LEGISLATIVE COUNCIL

Tuesday 28 October 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:16 and read prayers.

STATUTES AMENDMENT AND REPEAL (TAXATION ADMINISTRATION) BILL

His Excellency the Governor assented to the bill.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (CLASSIFICATION PROCESS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answer to a question be distributed and printed in *Hansard*:

STATE FLEET

264 The Hon. SANDRA KANCK (30 April 2008) (Second Session). Can the Minister for Transport advise:

1. How many vehicles are currently in the state fleet?

2. How many hybrid vehicles are currently in the state fleet?

3. What plans exist to maintain or increase the percentage of hybrid vehicles?

4. How many bicycles are used in the public sector?

5. What plans exist to increase the number of bicycles in the public sector?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

1. There were 8,422 vehicles in the state fleet as at 1 May 2008.

2. There were 247 hybrid vehicles in the state fleet as at 1 May 2008.

3. Hybrid vehicles will continue to be a consideration of the government in meeting its environmental targets, whilst they remain fit for purpose and cost effective to do so. Expansion of the number of vehicles of this type will be largely reliant on future production by vehicle manufacturers of suitable vehicles in the range.

The Minister for Road Safety has provided the following information:

4&5. Bicycles are used in a variety of ways in the public sector. For example, the Department for Environment and Heritage has leased bicycles to enable employees to travel between worksites and Primary Industries and Resources SA encourage the use of private bicycles for work related travel at Roma Mitchell House, Norwood and Walkerville work sites and the Office for Recreation and Sport use bicycles for work purposes at Kidman Park. The South Australia Police also conduct patrols by bicycle in the CBD, at beachside locations and at certain events.

There are a number of initiatives to increase bicycle usage and the number of bicycles in the public sector. 'Safety in Numbers, a Cycling Strategy for South Australia' has the objective of 'the government leading by example to promote cycling' and this includes a strategy to 'facilitate cycling for work purposes'. Unlike the motor vehicle fleet, which is organised in a centralised way, there is no record of the number of bicycles in the public sector. Encouraging cycling in the public sector relies on the initiative of each agency and department. It involves a process of providing education, promoting the benefits of cycling and improving facilities for cycling.

The most effective way of implementing this strategy is for government workplaces to conduct TravelSmart workplace travel plans. The Department for Transport, Energy and Infrastructure (DTEI) conduct these plans with the aim of increasing cycling, walking and public transport use and reducing car use. So far, three government agencies have completed workplace travel plans, 11 are in the process of conducting plans and it is envisaged that DTEI will initiate a further four plans in the next six months.

TravelSmart workplace travel plans encourage cycling through the installation or improvement of bicycle parking and other 'end of trip' facilities. The plan involves investigations into workplace bicycle fleets and the establishment of workplace bicycle user groups.

PAPERS

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Reports, 2007-08—

Auditor-General's Department
Legal Services Commission of South Australia
Office of the Commissioner for Equal Opportunity
South Australian Classification Council
State Electoral Office
Terrorism (Preventative Detention) Act 2005

Water and Wastewater Prices in Metropolitan and Regional South Australia—

Transparency Statement, 2008-09

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

Regulation under the following Act—

Development Act 1993—Tramline—Schedule 3 Activities

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

Reports, 2007-08—

Advisory Board of Agriculture
Chicken Meat Industry Act 2003
Dairy Authority of South Australia
Office for the Ageing
Phylloxera and Grape Industry Board of South Australia
South Australian Citrus Industry Development Board
South Australian Housing Trust
Witness Protection Act 1996

Regulations under the following Act—

Fisheries Management Act 2007—

Fish Processors—Delivery of Cockles
Marine Scalefish Fisheries—Cockle Quotas
Rock Lobster Fisheries—Cockle Quotas

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Corporation By-laws—Roxby Downs—

No. 1—Permits and Penalties
No. 2—Dogs and Cats

Regulations under the following Act—

Controlled Substances Act 1984—

General—

Prescribed Equipment
Taking of Cannabis Samples

By the Minister for Consumer Affairs (Hon. G.E. Gago)—

Regulations under the following Act—

Liquor Licensing Act 1997—

Dry Areas—

Adelaide and North Adelaide
Various

FIREFIGHTING AIRCRAFT

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

(14:21): I table a copy of a ministerial statement relating to South Australia's aerial firefighting fleet made in another place by my colleague the Minister for Emergency Services.

LOCAL GOVERNMENT ACCOUNTABILITY

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) (14:22): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.E. GAGO: Last week, I was asked to address the Local Government Association Annual General Meeting. At that time, I outlined a plan to improve transparency and accountability in local government and increase public confidence in this sector.

I am committed to working with the LGA and councils to advance our state and strengthen our communities. This plan involves a range of measures that will address recent concerns that have been raised about local government accountability and good governance. These measures include a new legislative requirement that each council auditor must give a formal opinion about whether a council's internal controls are sufficient to provide a reasonable assurance that the financial activities of the council have been conducted properly and administered lawfully.

Currently, auditors are required to ensure that the finances of the council are appropriately acquitted, but this new requirement will go further and require consideration of whether financial transactions have been administered in accordance with the relevant legislation.

I also propose that, if council auditors discover an irregularity or have concerns that it should be reported in the public interest, they must report the matter to the Minister for State/Local Government Relations. At the moment, auditors are required to report serious financial irregularities, failure by council to rectify any irregularity within a reasonable period of time or significant breaches of the act. The new requirement I propose will also place an onus on the auditor to report matters that should be reported in the public interest; in other words, a public interest test will be applied.

In addition to these changes around audit requirements, I propose that a power be given to the minister responsible for the Local Government Act to compel councils to provide information to the minister if the minister is considering whether an investigation under the act is warranted. Currently, most councils supply this information on request; however, currently there is no legal requirement that they do so. The ability to compel this information will ensure that the minister is able to determine whether a formal investigation needs to proceed.

Once the decision to undertake an investigation under the Local Government Act has been made, the current legislation could be read as confining the scope of that investigation to the specific matter that triggered it. I will propose amendments that will make it clear in the act that, once a ministerial investigation is launched, it can be expanded to cover any other matters that may arise from that investigation.

I will also work with the Local Government Association to develop a consistent and clear code of behavioural conduct for council members. This code will then be made into regulations mandating the minimum provisions that codes of conduct must include.

Members interjecting:

The Hon. G.E. GAGO: I do not think that members opposite support codes of conduct, which is most surprising, given that most councils already have them.

It is also my intention to improve the visibility and accessibility of council grievance procedures to ensure that they actually comply with the appropriate administrative law standards. For example, I will work with the LGA to define criteria that should trigger a review of certain decisions as well as ensure that decisions are reviewed by someone other than the original decision maker and the reasons for decisions are actually supplied.

In developing these reforms, I will continue to consult with the acting ombudsman regarding any mechanisms that he feels would improve council administration and further instil public confidence. I have been discussing the reform package with the LGA, and a formal consultation process with all councils via the LGA will be undertaken over the next few months.

QUESTION TIME

TRANSIT ORIENTED DEVELOPMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Clipsal site (and I note that it is nice to see the minister with a new haircut; I hope he was polite to the barber!).

Leave granted.

The Hon. D.W. RIDGWAY: It was reported in last Saturday's *Advertiser* that the government had announced on Friday that it had purchased the Clipsal site at Bowden. The article stated that a green village similar to the urban redevelopment that has revitalised the Subiaco area of Perth will be located at the Clipsal site at Bowden. The article went on to say that the 10-hectare site will be the first of up to 11 transit oriented developments planned by the state government. The other places in the 30-year plan for Adelaide include Marion/Oaklands, Modbury, Flinders/Bedford Park, Mawson Lakes, Mitcham, Glanville/Port Adelaide, Cheltenham and Elizabeth.

The article went on to say that the Premier and infrastructure minister Conlon had announced the purchase of the land. The Premier said that it was a brilliant site that comes up once every 50 or 60 years and that up to 1,500 medium and high density green star residential apartments, retail outlets and a mix of commercial offices will be built on the site around a town centre. The Minister for Infrastructure (Hon. Patrick Conlon) went on to say that he could not reveal how much the government had paid but he could reveal (and it is stated in the article) that it had been on the market for some $70 million. The article also stated that the Land Management Corporation will borrow the funds from the South Australian Government Financing Authority to fund the acquisition and the site preparation works. My questions to the minister are:

1. What process did the government adopt to assess the Land Management Corporation's ability to deliver this development better and quicker than the private sector?

2. Given that there was no mention in the article (or in any of the commentary since) of affordable housing, how will the Land Management Corporation deliver the government's requirement of 15 per cent affordable housing on this site?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:32): Essentially, those questions are matters for my colleague, the Minister for Infrastructure, to whom the Land Management Corporation reports. However, I will take up some of the issues raised by the honourable member. In relation to the future of this site (and, indeed, the other TOD sites), at present, Planning SA is the lead agency for a group within government involving a number of other agencies—such as the EPA, the Land Management Corporation, the Department of Transport and other agencies—to plan for the development of these transit oriented development sites so that they deliver the potential that this form of development has.

The honourable member in his question raised issues about how the LMC would deliver the project. If the honourable member were to visit some of the best examples of transit oriented development in this country and overseas (and I suggest that probably the development at Subiaco in Perth is as good as it gets), he would realise that the only way in which that sort of development can take place is if you have an agency that puts all the land together. If you do not have that, if there is fragmentation of the land, clearly, you will not be able to get the sort of integrated development that is found in a good transit oriented development.

A transit oriented development is more than just high density living next to a railway station. Well planned transit oriented development not only has a high density of living (and proximity to transport is clearly one of the elements) but these good transit oriented developments also ensure that there is a significant amount of employment within those areas. So, an integration of employment activities is incorporated amongst these developments. Of course, that is what modern planning should bring. You do not really want people living in far-flung suburbs being totally dependent on either public transport or vehicles to go to a centre of employment many kilometres away.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, there will be lots of jobs in the northern suburbs. But, Mr President, I will not be distracted other than to say that most of the jobs that will be created in

the future—the heavy industry jobs—are likely to be in the northern suburbs, because that is where most of our industrial land will be, not far from Buckland Park.

Apart from that distraction, clearly, the area around the Clipsal site and the Thebarton bioscience precinct will be an ideal site within the sort of mixed development that you would expect to see in a good transit oriented development. It will be very suitable for some of the commercial and business activity within that area. So, the government, under the auspices of Planning SA, but involving a number of government agencies, will be undertaking the planning work for the development of transit oriented developments, of which the Clipsal site will be the first.

It has been shown by other good transit oriented developments that you need an agency to oversee it. In Perth they use various redevelopment authorities to assemble the land. If the honourable member cares to speak to the private sector, he will see that they all have the view that, if these sorts of developments are to work, it is necessary that the government should be able to assemble the parcels of land and properly plan them so that these developments can reach their potential.

In relation to affordable housing, this government has a policy of at least 15 per cent affordable housing within developments, and that is part of the relevant legislation of this state, and the government will ensure that that takes place. As I said, essentially, they really are matters for my colleague the Minister for Infrastructure.

TRANSIT ORIENTED DEVELOPMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:37): I have a supplementary question, Mr President. Has the government, or the Land Management Corporation, secured the Origin Energy site?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:37): That is a matter for my colleague and I will refer that question to—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Mr President, I will refer that question to my colleague the Minister for Infrastructure.

TRANSIT ORIENTED DEVELOPMENTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:37): I have a further supplementary question. Why has the TOD site at West Lakes been deleted from the map in Saturday's *Advertiser*, as opposed to the map released when the plan was launched?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:38): At this stage the state government is planning the transit oriented developments. When the planning review came down, it had a number of indicative sites which may be suitable for TODs. That was put out in the planning review. But, as I indicated at the time following the release of the review, the government would be reviewing its policy and, of course, the timing and location of those will depend very much on the rollout of the government's electrification process.

I have pointed out to this chamber numerous times that an essential ingredient for good transit oriented development to proceed will be the electrification of our railways, because people will not want to live near transit corridors which are noisy and polluting. So electrification is an essential ingredient, and that will determine to a significant extent the timetable for the rollout of transit oriented developments. But there are a number of areas where, clearly, what this government is looking at, through its planning reforms, is to ensure that the intensity of development should be greatest along our transport corridors. That will be largely rail and largely where the electrification is but, of course, there will be other centres where it may make sense to site transit oriented developments.

That work on the sites and locations of the transit oriented developments is yet to take place but, clearly, the first stage of electrification will be in the vicinity of the Clipsal site, and that is therefore the obvious site to plan for the first such development.

SA LOTTERIES

The Hon. J.M.A. LENSINK (14:39): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about SA Lotteries.

Leave granted.

The Hon. J.M.A. LENSINK: In the last sitting week the minister referred to some $91 million that SA Lotteries had provided to the Hospitals Fund. She stated that it was an increase of some $5 million on the previous financial year. I have been contacted by an irate constituent who says that SA Lotteries has been telling owners of newsagencies that it wants 'a 5 per cent increase in sales over this financial year so the government has more money at its disposal to spend on things such as hospitals'. My questions are:

1. What penalties will be issued for those agents and outlets that do not pursue the upsizing policy of this government?

2. At what level has this policy been decided?

3. Will the minister confirm that the Department of Treasury and Finance has issued instructions to revenue raising agencies to push such sales to substitute for other falling revenues?

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) (14:41): Certainly, there has been significant change in the Australian gambling industry over the past decade which has impacted on the lotteries segment. Several key strategic issues are facing the gambling industry—in particular, the lotteries segment—such as: a maturing market; Australian households allocating a declining proportion of income to lotteries; increased competition; industry consolidation; a changing regulatory environment; a changing product; and distribution trends.

An independent assessment of the strategic options for lotteries business in South Australia has been undertaken by ABN AMRO. The objective of the assessment is to maintain returns to the South Australian government in the short term (two to three years) and increase these returns in the medium term (five to seven years) and long term (10 years).

There was a wide scope for the assessment, which I do not need to go into today, but recommended options are to be aligned with the objective of South Australia's Strategic Plan to grow prosperity. The review commenced in May and the final report has been received by the commission for consideration.

In light of the ever-changing environment and various developments, we need to keep changing and refitting the way in which we do things. Some changes have been proposed in relation to future planning for our lotteries. I do not have those details in terms of targets or amounts, but I am happy to take the questions on notice and bring back a response.

PORT AUGUSTA PRISON

The Hon. S.G. WADE (14:43): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Port Augusta indigenous unit.

Leave granted.

The Hon. S.G. WADE: On 16 October, in answer to a question from the Hon. Caroline Schaefer, the minister undertook to consult her department in order to establish what consultation had occurred in relation to the design of the Port Augusta indigenous unit. The next day the minister sent out the acting chief executive to speak on the media. ABC Radio reported that the Department for Correctional Services was claiming that 'a new section in the Port Augusta Prison for traditional Aboriginal men is setting a new standard'. Mr Weir was quoted as saying:

> With this new dormitory style accommodation we will be able to maintain appropriate security and at the same time provide an appropriate environment for managing traditional Aboriginal males.

The opposition has been advised that the new unit to be installed at Port Augusta is basically the same as two transportable units already installed in the Adelaide Women's Prison. My questions are:

1. Will the minister advise the outcomes of her discussion with the department as to the consultation that has occurred with Aboriginal prisoners and stakeholders in relation to the new unit at Port Augusta?

2. On what basis does the government consider that accommodation already in operation for European women prisoners will set a new standard for traditional Aboriginal men?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:44): Clearly, members opposite are clutching at straws. What I said in my response on the last occasion on which we sat was that we would follow the protocols recommended in the Aboriginal deaths in custody report. Also, we have a very strong Aboriginal unit within the department.

The proposed traditional Aboriginal unit at Port Augusta Prison has been designed to provide culturally appropriate accommodation for traditional Aboriginal men. We expect, as I have said on a number of occasions on the floor of this chamber, that it will be available by the end of this year. During the development of the design, consultations took place with the department's Aboriginal Services Unit, traditional Aboriginal male prisoners (God forbid that we asked the people who actually may be in there!) at the Port Augusta prison, some of whom are likely to occupy the premises, senior Aboriginal staff—

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: —clearly the honourable member is not interested in listening to what I have to say—from the Port Augusta prison management team—

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: —he is very excited today—staff from the department's Asset Services Branch, and the department's Director, Finance and Asset Services. Consultation was conducted in a culturally appropriate manner. The prisoners involved in the consultation indicated that the most important things they wanted to see included being able to see the Flinders Ranges—a large verandah facing the Flinders Ranges—and outdoor areas. These preferences have been incorporated into the final design.

The final unit design consists of 12 beds with four bedrooms and two beds in each and one dormitory room with four beds. I am certain that I have placed on record before that the Department for Correctional Services' Aboriginal unit is staffed largely by Aboriginal people and provides high level support and advice to the department on the welfare of Aboriginal prisoners and offenders. The unit supports 12 Aboriginal liaison officers who work with Aboriginal prisoners in prison and community corrections, and 56 staff in the department. In addition, the department conducts meetings with Aboriginal prisoners every six weeks at different prisons to talk with Aboriginal prisoners about any concerns they have with the prison system. The meetings are chaired by the Chief Executive of the department or his delegate when he is not available.

The forum was established in 1995 to provide the means for Aboriginal prisoners, members of staff, service providers and other Aboriginal stakeholders to contribute to the development of policies and procedures to address the circumstances of Aboriginal people in the department's custody. It has a specific task to consider and provide advice to the department on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, as I previously stated in my first response a few weeks ago.

For the information of members opposite, recommendation 173 of the royal commission referred to doubling up as follows:

> The initiatives directed to providing a more humane environment through introducing shared accommodation facilities for community living and other means should be supported and pursued in accordance with experience and subject to security requirements.

It is also the experience of the department and its Aboriginal staff that many Aboriginal prisoners have told them they prefer, for one reason or another, to double up with a family or close kin, if that is possible. That view is shared by other Australian jurisdictions. The department does its best to facilitate that practice.

I have expanded on the response I gave to the honourable member the last time he asked the question and, if he were to sit back and reflect on what I said, he would know that the department is following the wishes of those who are actually in prison. Having consulted with those people themselves on their preferences, as well as following the protocols of the recommendations of the Aboriginal deaths in custody inquiry and consulting the department and its own unit, I fail to see what else the honourable member can think of.

PORT AUGUSTA PRISON

The Hon. S.G. WADE (14:49): By way of supplementary question, in the minister's answer she referred to the Aboriginal forum that meets to discuss Aboriginal issues. Will the minister advise whether the concept and design of the Port Augusta indigenous unit was raised with that forum and on what date?

Members interjecting:

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:50): He is desperate.

The Hon. S.G. Wade: Be careful Carmel.

The Hon. CARMEL ZOLLO: He is known for fine detail. I do not have those dates with me nor the time that it occurred within the forum.

The Hon. S.G. Wade: You need to be careful Carmel.

The Hon. CARMEL ZOLLO: I am shaking.

SMALL BUSINESS DEVELOPMENT CONFERENCE AWARDS

The Hon. R.P. WORTLEY (14:50): Will the Minister for Small Business please provide some information regarding how South Australia fared at the recent Small Business—

Members interjecting:

The Hon. R.P. WORTLEY: Can you hear that?

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: I can't hear myself. Do you know what staggers me, Mr President—

Members interjecting:

The PRESIDENT: Have you finished on the opposition benches? The Hon. Mr Wortley has the call.

The Hon. R.P. WORTLEY: I am trying to ask a question about small business. The Liberals have turned their back on their rural constituencies, they have turned their back on women and now they have contempt for small business. I think it—

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: —is an absolute disgrace that they allow question time to be debauched like this.

The PRESIDENT: Order! The Hon. Mr Wortley will ask his question, because he has not sought leave to make an explanation.

The Hon. R.P. WORTLEY: Can the Minister for Small Business provide some information regarding how South Australia fared—

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

The Hon. R.P. WORTLEY: Are you right?

The PRESIDENT: Order, the Hon. Mr Dawkins!

The Hon. R.P. WORTLEY: Will the Minister for Small Business provide the chamber with some information regarding how South Australia fared at the recent Small Business Development Conference Awards?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:51): I thank the honourable member for his question. The Small Business Development Conference held in Melbourne from 12 to 15 October included an awards presentation on the evening of Tuesday 14 October held at the National Gallery of Victoria. The awards were presented by Business Innovation and Incubation Australia, Business Enterprise Centres Australia, the National NEIS Association and a number of other awards sponsors.

I am delighted to report that South Australia is again punching well above its weight and literally reaping the rewards. South Australian businesses and business associations won the following awards: first of all, the 2008 National NEIS Association Award and the Best Growth Business Award which was won by Wise Choice Healthy Foods—a business which distributes milk products produced by Fleurieu Milk Co. In 2004, Alan Steinert and his business partner saw a niche opportunity to deliver high quality milk to Adelaide suburbs. In June 2006, having found a source of this milk, the business started and in just over a year they had a turnover of more than $1.5 million. Alan says that NEIS mentoring, provided by Mission Australia SA, was critical in assisting them to manage growth, especially in issues such as dealing with debtors.

The 2008 Business Enterprise Centres Australia Award and the Award for Best Metropolitan BEC was won by the Inner West BEC. The Thebarton-based centre services the inner western suburbs of Adelaide. It also provides, on behalf of state government, the Business Helpline which is a counselling and advisory service to South Australian small business owners and operators who are in crisis. The main objective of the Business Helpline is to assist with the reduction of the emotional and financial distress of business crisis and failure and the number and cost of business failures in South Australia. The Inner West BEC is managed by Susan Devine.

It is also with pride that I note that, of the remaining six finalists for that award, three were also from South Australia and included the teams from Enterprise Adelaide (managed by Anne McCutcheon and based in the city), the North-West Business Development Centre (managed by Lyn Hay and based at Port Adelaide) and the Northern Adelaide BEC (managed by Ron Watts with offices at Elizabeth and Gawler). Petrina Jude of Tea Tree Gully BEC and Ron Watts of Northern Adelaide BEC were also finalists for Best BEC Manager.

There was also the Australian Taxation Office Award for Best New Business. This award was won by National Bridal Service. With the assistance of Enterprise Adelaide, Barbara Sisson has established a permanent, centrally located bridal exhibition in Adelaide, incorporating in excess of 120 leading product and service providers to the wedding industry. It is of note that the other two finalists for this award, Gaswatch Australia and Quisk Design, were also from South Australia and were both nominated by Southern Success BEC, based in Morphett Vale. There was also the HP Award for Best Home Based Business. This award was won by Exportia Pty Ltd, which helps Australian ICT electronic and creative companies to establish their products or services and to drive export sales in the European markets.

Christelle Damiens, who is a French national, uses her experience and knowledge of the European business market to assist South Australian companies to export. She participated in the Young Business Accelerator Program at North West Business Development Centre, and she says that this helped her business to become more focused. Also nominated for this award from South Australia were 'Balance by All Accounts' (nominated by Tea Tree Gully BEC) and 'HR Development at Work' (nominated by Southern Success BEC).

The winner of the HP award for best micro-business was E-Cycle Recovery, an ethical and socially responsible electronic waste recycling business. The business is going extremely well, thanks to assistance and support from the North West Development Centre.

At the 2008 Business Innovation and Incubation Australia awards, Todd Street Business Chambers was the proud winner of the Business Incubator of the Year award. Managed by Lyn Hay of the North West Business Development Centre, this successful business incubator offers low-risk leases, reception and on-site business support, including fast-track growth programs for 30 new and developing businesses.

This assistance is provided for small business operators who are in the early stages of growth, helping them to increase profits, secure more customers, create a professional image, expand business networks, and access free low-cost services. I again congratulate all the winners and finalists on their success in this year's awards.

PLAYER TRACKING TECHNOLOGY

The Hon. J.A. DARLEY (14:57): I seek leave to make a brief explanation before asking the Minister for Gambling a question about the trial of player tracking technology at poker machine venues.

Leave granted.

The Hon. J.A. DARLEY: I refer to a media release from the former minister for gambling, the Hon. Paul Caica, on 23 July this year, which announced that a trial was to be conducted at four

venues in metropolitan Adelaide of patrons using a J-Card to track their play on poker machines and to set limits on the amount of time and money spent.

This trial was in response to an invitation from the minister's Responsible Gambling Working Party for Worldsmart Technology (which currently operates the J-Card loyalty card system) to participate in a trial of this new technology. My questions are:

1. Can the minister confirm that the trials are under way at all of these venues?

2. Have any other venues expressed interest in participating in the trial?

3. Can the minister advise me as to the monitoring system in place to provide feedback on the effectiveness of the trial?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:58): I thank the honourable member for his important question. Yes, I can confirm that the trial formally commenced on 15 August. For honourable members' information, the Responsible Gambling Working Party was set up by my predecessor the Hon. Paul Caica while he was minister for gambling. The role of the Responsible Gambling Working Party is to bridge the gap between industry practices and the government's policy and regulations and to help the minister to achieve practical outcomes for customers and the industry. The pre-commitment trial is one good example of the measures that assist gamblers to pre-commit how much they plan to gamble, and it is recognised as an effective way of preventing problem gambling, that is, how much they are prepared to lose.

As I have said, the trial commenced on 15 August. Worldsmart Technology is conducting the trial at its own expense as part of its existing venue card system (J-Card) in South Australia. PlaySmart is a new feature of the existing J-Card smart card technology, which has been in place since 1997. Currently, there are 250,000 J-Cards in use in Australia. I understand that PlaySmart is provided at no cost to players.

Initially, PlaySmart is being trialled in four locations, namely, Kilburn, Noarlunga Centre, Elizabeth Downs and Woodcroft, and there are plans to extend the trial to include the 60 to 70 Jackpot Club J-Card venues in our state. Obviously, staff in the four trial venues have already received training in using pre-commitment as a tool to assist gamblers to set limits, as well as how to respond to customers when any of these limits are exceeded.

My advice is that PlaySmart allows players to set and manage gambling limits by a period (daily, weekly, fortnightly or monthly); by expenditure limits; by how much time (it creates reminders leading up to and on reaching the preset limits); by creating reminders to take a break in play; by setting a cooling off period before increases to expenditure limits come into effect; and by setting lockout periods—for example, recurring dates, such as pension days. For the trial, at this time the number of limits that players may set is four, and there is an option to opt out of the loyalty program.

The working party trial group has received its first periodic report on the trial. At a recent meeting, it was advised that 21 participants had joined the trial. Clearly, it is still in its infancy. All except one participant was using the reminder prompt option; a large number had also set the cooling off period after reaching their set limit; and around half were using the option to show the running balance on the machine. Further data has been requested to better determine profiles and trends. As I said, the trial is in its infancy.

I am advised that a number of J-Card regional venues are interested in participating in the trial and, of course, this will be pursued further. The trial has three phases, which I am sure my predecessor also placed on the record, and each phase will be evaluated. We are now in what is called the 'natural' phase, with an open invitation to participate through in-venue and staff promotion to players of the scheme. Next year, the trial will move to the 'accelerated' phase, with active recruitment of customers and coaching in the use of the system. The third phase will involve random recruitment of customers and establishing default limits on play.

The working party welcomes proposals by other parties for trial or precommitment and player tracking. We know that two other parties have thus far expressed interest in conducting a precommitment or tracking trial. Of course, all this is a learning process. The Ministerial Council on Gambling has established a national working party on access to cash and precommitment tools, and the results of our South Australian trial will be provided to the national working party.

We need to learn from the trial whether what we have is working, but we will not know that until it is properly evaluated. I know that there will be detractors, but I believe undertaking such a trial is indeed worth while, and I am very pleased that the working party has undertaken this important task.

PRISONS, NEW

The Hon. R.I. LUCAS (15:03): I seek leave to make an explanation before asking the Minister for Correctional Services a question about new prisons.

Leave granted.

The Hon. R.I. LUCAS: As a result of the recent global financial crisis, in the past two or three weeks the Treasurer has made a number of public statements in relation to a proposed review and a new financial statement to be brought down some time in the next month or so.

This morning, on ABC Radio, with David Bevan and Matthew Abraham, the Treasurer repeated what he has said on a number of occasions, as follows:

> Thank you. I am saying what I have said from day one, is that the only projects that we have excluded from our review of capital works is the Marjorie Jackson-Nelson hospital and the school PPP projects, which are close to being let. We are reviewing all government capital works projects and that once we have made a decision on which of those projects will be deferred, we have no more to say.

Yesterday, at a Budget and Finance Committee hearing, the Under Treasurer updated the committee on the current PPP project for correctional services institutions. He indicated that the bidders were in the final stages of putting their bids together. He indicated that the request for proposal (RFP) would close in a little over a month, in December this year. He said that contract close would be some time next year and that construction of the new facilities would start in the middle of next year.

As a result of the statements that have been made by the Treasurer in recent times, that the only projects that have been excluded from the review are the schools PPP and the Marjorie Jackson-Nelson Hospital—pointedly, the Treasurer has not referred to the correctional services PPP—a number of questions have been raised by people associated with the bidding groups along the lines that they are spending tens of thousands and, in some cases, hundreds of thousands of dollars in terms of putting together their requests for proposals. Their bids are almost finally due, as the Under Treasurer has highlighted, and the Treasurer's public statements have created considerable uncertainty in relation to the continued expenditure by some people in relation to those bids. My question to the Minister for Correctional Services is as follows—

The Hon. B.V. Finnigan interjecting:

The Hon. R.I. LUCAS: No; my question is for the Minister for Correctional Services. Has she been made aware—

The Hon. B.V. Finnigan interjecting:

The Hon. R.I. LUCAS: If you would like to ask a question of the Treasurer, you can, but I am asking a question of the Minister for Correctional Services.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Finnigan is regarded highly by his colleagues, and I am sure that they look forward to questions from him. Has the Minister for Correctional Services been made aware of concerns by some of the bidding parties, and people associated with the bidding parties, as to the impact of the Treasurer's current statement and position about no commitment to go ahead with the correctional services PPP at the moment, subject to the review? If she has been made aware, either by her officers or others associated with the bidding process, what assurances, if any, has either she or the Treasurer been able to give to the bidding parties in relation to their continued expenditure on this particular PPP?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:07): In his opening remarks, the honourable member clearly responded to the question he is trying to ask; that is, yes, the Treasurer made a statement to the parliament probably three weeks ago about the current global financial crisis. Essentially, he said that he would be making a further statement in the next few weeks. Other than that, the Treasurer, of course, is the lead minister in

relation to the public/private partnerships: as the Treasurer, clearly that is his role. So, I think it would be not very wise for me to pre-empt the Treasurer in relation to whatever statement he makes. I will refer that question to the Treasurer in another place and bring back a response for the honourable member.

PRISONS, NEW

The Hon. R.I. LUCAS (15:08): As a supplementary question, is the minister clarifying that she has not been made aware of any concerns about the potential impact of deferral as it relates to most parties that are currently spending their money on putting together a request for proposals in accordance with the publicly announced guidelines?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:08): I can really only reiterate what I have said. These are clearly difficult financial times and, certainly, no country or state is immune from them. I am certain that financiers who work in that market would appreciate that the Treasurer has said that he will be making a statement in due course.

TAMIL COMMUNITY

The Hon. B.V. FINNIGAN (15:08): Will the minister assisting the Minister for Multicultural Affairs inform the council about the contribution of the Tamil community as part of the recent Deepavali celebrations?

Members interjecting:

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:09): Members opposite clearly are not very interested in our multicultural community. Members may be aware that the major religious festival Deepavali was recently celebrated here in Adelaide. The festival falls in the period from the 13th day of the dark half of the Hindu month (Asvina) to the second day of the light half of the month (Karrtika). This means that, in Australia, the festival usually falls around October to November.

The Deepavali festival is observed with particular enthusiasm by members of the Tamil community. As part of the celebrations, along with the Lieutenant-Governor, Mr Hieu Van Le, I was fortunate enough to attend the Adelaide Tamil Association Deepavali celebration 2008. This is the sixth year that the Tamil community has held a Deepavali celebration, and each year it continues to grow in popularity. Indeed, it has become an annual tradition in South Australia. I am pleased to advise the chamber that this year the Adelaide Tamil Association received a grant towards the cost of the festival from the Rann government's Multicultural Grants Scheme.

The Deepavali celebration is a wonderful opportunity to celebrate and showcase Tamil culture as well as reflect upon the important significance of this festival. Deepavali is a time to thank the gods for happiness, peace, wealth and knowledge. Hindus all around the world celebrate Deepavali. One important part for observers of this festival is to light all lamps in their homes on the morning of Deepavali. All lamps are placed in rows in Hindu temples and are also set adrift on rivers and streams. This practice is in commemoration of the return of the god Rama.

This Deepavali celebration was marked by many talented dance performances. The performers, dancers and musicians mostly hailed from the region of Tamil-Nadu and Sri Lanka. However, I was pleased to see that there were also some other non-Tamil people who have taken a keen interest in the Tamil culture who took part in the traditional Bollywood dancing. This year's Deepavali festival was truly a showcase of multiculturalism. Not only were members of the audience treated to traditional and modern Tamil musical performances but they were also fortunate enough to see a traditional Ukrainian dance performance and a song and dance recital by the Cook Islands Dance Group.

As part of my role in assisting the Minister for Multicultural Affairs in another place, I feel it is a special privilege to be able to attend such a diverse range of ethnic, cultural and religious celebrations. Each multicultural community organisation recognises that it has an important responsibility to promote the culture, traditions and language of their heritage. The Tamil community has so much to offer our state through its culture, food, festivities, history and also, of course, the arts. I am sure that the chamber will join me in congratulating the Adelaide Tamil Association and other organisers of this year's Deepavali festival.

COPPER COAST DISTRICT COUNCIL

The Hon. M. PARNELL (15:12): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the District Council of the Copper Coast.

Leave granted.

The Hon. M. PARNELL: This afternoon I was pleased to speak with a number of members of the Copper Coast Community Watch group, who are in Adelaide to meet with various MPs and government officials. Members of this group have been particularly vocal in their criticism of various decisions made by the Copper Coast council as well as the council's approach to public consultation. I previously met with this group in Wallaroo at a well attended public meeting called to raise concerns about a shopping centre development at Wallaroo.

On 23 September in this place the minister made a statement about various issues concerning the Copper Coast council. In that statement, the minister stated that the mayor and chief executive had agreed to her request to have an independent legal due diligence and governance audit to ensure that the decision making processes of the council are robust and compliant with the Local Government Act and other relevant legislation—and I note from the minister's statement today that the role of audits is to be extended generally throughout local councils. However, on 23 September, the minister also reported that she had written to the chief executive offering to assist the council to deliver an intensive community consultation and engagement workshop for its elected members and senior managers. My questions to the minister are:

1. Who is conducting the independent audit of Copper Coast council, and what progress has the audit made?

2. Will the auditor also be consulting with individuals or community groups in the council area to ascertain their views on the council's compliance with its legal obligations?

3. Has the Copper Coast council accepted the minister's invitation to run a consultation and engagement workshop and, if so, when will the workshop be held?

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) (15:15): I thank the honourable member for his important questions. Indeed, there has been a number of issues involving the Copper Coast council that have elicited a great deal of public and media interest. In terms of the town centre redevelopment and the sale of land, as I have reported previously in this place, complaints and concerns have been made known to me and, as minister for state and local government affairs, I took a number of steps to look into that matter further to see whether or not a formal investigation as per the Local Government Act would be required. That process is still in place, so there is not a great deal more that I can say about that until that process has been completed.

Certainly, it has involved my officers going to visit the council, which I have reported here previously, and having dialogue with the mayor and chief executive—it might also have involved some councillors, I am not sure. Also, my office required further information to enable me to be informed as to whether or not proceeding with the formal investigation is warranted under the act.

Further information has been requested from the council, and I put on record that the Copper Coast council has been extremely cooperative and very responsive to all of our requests for additional information which, currently, it is only required to give voluntarily. As the member noted, I am proposing some changes that will require mandatory compliance with that, but at the moment it is only voluntary. The council was extremely cooperative and sent us information that has been looked at; and further information that was sought has been provided. Again, in terms of the second round of information that was requested from the council, that is now being looked at by the Crown Solicitor's office, and I am still awaiting the outcome and any recommendations that might come from that. So, that process is still in place.

In terms of the legal due diligence and government audit, I do not have the terms of reference for that audit. I am happy to provide that to the honourable member, but I just do not have that level of detail with me at the moment. Also, the scope of that audit goes to the breadth of the consultation. Again, I am happy to take that on notice and bring back a response to these matters of concern.

COPPER COAST DISTRICT COUNCIL

The Hon. R.L. BROKENSHIRE (15:18): I have a supplementary question, Mr President. Given the briefings and material that the minister has had an opportunity already to consider, is the minister satisfied that the Copper Coast council has provided due process to all interested parties in relation to the planning application?

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) (15:18): I have answered the question, if the honourable member had listened. It is a matter for the appropriate minister but, in terms of the preliminary information that I am seeking to obtain prior to making a decision about a formal investigation, as I have already stated, that process is still under way. It has been under way for some time. It has been quite comprehensive. As I have said, we have requested one round of information. That has been looked at and considered carefully. It was decided that further information was needed and, again, correspondence went out requesting that information. That information has come back and is currently with the Crown Solicitor's office.

It would be most inappropriate for me to say anything further about that until the Crown Solicitor's office has had an opportunity to consider it in full and provide me with whatever recommendations or advice it might have in respect of these matters. The process has been open, transparent and thorough. People's rights have to be upheld, as well, in terms of due process—and that is what is being undertaken at present.

MINING INDUSTRY

The Hon. T.J. STEPHENS (15:21): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the mining industry.

Leave granted.

The Hon. T.J. STEPHENS: Recently, the minister waxed lyrical about the potential of mining in South Australia. However, we have been advised that the truck-training simulator located at Port Augusta is being removed.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.J. STEPHENS: I understand funding for the program has finished. Some people are caught halfway through a heavy vehicle course, which they had hoped would help them gain a licence and an off-farm job in the mining industry. This could not happen at a worse time as, again, our farmers are facing another year of shocking drought. My question is: what is the minister doing to ensure that the simulator stays so that courses can be completed and training can be ongoing to benefit the mining industry?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:21): I am not aware of any difficulties in relation to that matter. If the honourable member provides me with the information, I would be happy to investigate it. Obviously, simulators are an important facility in terms of training drivers for the mining industry. Of course, that is an important part of the mining industry. I can report to the Abbott and Costello team opposite that the mining industry is doing very well, whether underground mining or any other sort of mining.

WOMEN'S INFORMATION SERVICE

The Hon. I.K. HUNTER (15:22): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Women's Information Service and Pink Ribbon Day.

Leave granted.

The Hon. I.K. HUNTER: Breast cancer awareness campaigns have become increasingly prominent. Survivors and ambassadors, such as Jane McGrath, have established foundations to help women survive this pernicious disease. Will the minister provide an update on the Women's Information Service (which I believe has recently moved premises) and its operations with Pink Ribbon Day?

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) (15:23): I thank the honourable member for this most important question and his ongoing interest in these important policy matters. Yesterday the Women's Information Service opened business in its brand new premises located on the ground floor of Chesser House, 91-97 Grenfell Street. The date of 27 October is significant for other reasons, as the honourable member mentioned.

Yesterday was Pink Ribbon Day. This important day is earmarked to raise awareness in the community about breast cancer, which remains one of the largest health problems affecting women in Australia. The Cancer Council of Australia estimates that around 12,000 women are diagnosed annually. My mother is one of those unfortunate people who has been diagnosed with breast cancer. There have been significant advancements in terms of early detection and treatment. Indeed, my mother has been a recipient of that, as well. The early detection and aggressive treatment protocols have meant that after several lots of surgery and other treatment she has a very good prognosis and very good health at present. I urge all members to support this most important day, wherever they can.

The pink ribbon is an international symbol of hope for women with breast cancer. Many of us here today know someone special who has been affected by breast cancer. As I said, I urge all members to support this worthwhile cause. Yesterday, in order to celebrate the new home of the Women's Information Service, a pink ribbon afternoon tea was hosted by the service, with funds raised going to the Cancer Council to continue its research and support education for women and their families.

Since 1997 the Women's Information Service has been situated in the Station Arcade on North Terrace. This location has served women of South Australia extremely well, but it is very fitting that on the service's 30th birthday a more prominent position in the heart of Adelaide's CBD be secured. The new location includes a private interview room, a high speed internet connection, and automatic doors, which enable access for disabled persons. The WIS shopfront offers women a safe and comfortable environment where they can relax and be connected with government and non-government service providers and learn more about issues that affect them.

Most importantly, this service is free and confidential. It aims to empower women to make informed decisions and discuss their individual situations in a respectful and non-judgmental way. WIS will continue to provide its integral programs at the new location. They include: the Family Court support program, outreach services, internet and computer training, telephone legal advice, tax return assistance, English conversation classes for newly arrived women, and a toll-free line for rural women.

I am pleased to announce the relocation of the Women's Information Service, and I encourage women of South Australia to visit at Chesser House at their earliest convenience. The relocation of WIS also marks a time for a change for the Office for Women, which will be relocating next door to Chesser House in the near future. I commend the staff of the Office for Women for their hard work in organising the day's celebrations. I especially acknowledge the volunteers who work at the WIS. Without their ongoing assistance and support there is no way that we could have offered the full range of services that we currently have.

WOMEN'S INFORMATION SERVICE

The Hon. SANDRA KANCK (15:27): By way of a supplementary question, since the relocation of the WIS office, why have the opening hours been reduced by half an hour each day? At the previous location they began at 8.30am; at the new location they open at 9am.

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) (15:28): I was not aware that the hours had been changed. I am happy to clarify that and bring back a response.

SOUTHERN SUBURBS DEVELOPMENT

The Hon. R.L. BROKENSHIRE (15:28): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about development in the southern suburbs and peri-urban areas.

Leave granted.

The Hon. R.L. BROKENSHIRE: There is considerable concern in parts of the southern areas about the rapid rate of subdivision development, much of it led by the Land Management Corporation, the government's subdivision arm. This concern relates particularly to a lack of infrastructure and support for those expanding housing developments. In the *Southern Times Messenger* last week, there were quotes from either the Minister for Urban Development and Planning or his staff that the minister was not ruling out looking at expanding subdivision within the townships of McLaren Vale and Willunga.

In 1993-94 I was personally involved in drafting and supporting an agreement signed by the Willunga council and the then government to ensure that there would be no further subdivision outside existing boundaries in the rural townships of Willunga, McLaren Vale and McLaren Flat, for the specific reason of ensuring that the tourism and viticultural areas of that prime southern region were protected. Will the minister now rule out any further subdivision, development or expansion of the boundaries of the townships of Willunga and McLaren Vale?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:30): When the outcome of the planning review was announced, I made it clear at the time that the government would look at all township boundaries throughout the state, as well as the urban growth boundary generally, to see where we would be able to accommodate the future growth of Adelaide. The honourable member will recall that the planning review recommended that we should have 25 years of land within our urban growth boundary of which 15 years should be zone-ready.

My office was asked by the local newspaper whether we had ruled out any townships and, of course, I said no because there would be no credibility whatsoever to a process if we were to rule out looking at that examination before it had even started. However, that should not mean that anyone in the McLaren Vale wine district should fear that the government is changing its policy in some way towards that district.

I have made it quite clear on numerous occasions, and I am happy to repeat it here: this government will protect the McLaren Vale wine district, and the Barossa Valley for that matter, from any significant subdivision. If there is any review of township boundaries within that area, or the area north of Adelaide for that matter, and certainly in relation to McLaren Vale and Willunga, if there were to be any suggestions, I would expect they would be minor, but this government remains committed to the preservation of those districts.

The McLaren Vale wine district is one of our most important wine producing areas. It is very important for tourism and we will protect it. However, if, at the margin, there is the recommendation, any consideration of boundaries will involve some discussion with the councils. If there is any adjustment, I would expect it would be minor, but there may in fact be none whatsoever. I think it is important that, if we are to look where Adelaide grows, we should look at all of the options.

It is clear that in the southern districts of Adelaide there is limited growth capacity. When I last readjusted the urban growth boundary to include the Bowering Hill area, I think I made the comment then that there is really not much area where that boundary could be expanded. It seems clear that most of Adelaide's growth into the future will be in the northern suburbs. Having said that, within our urban growth boundaries, there is significant capacity for growth. Of course, within the southern suburbs, the honourable member was referring to land held by the Land Management Corporation. It is releasing most of that within the urban growth boundary that has existed since 2001 or 2002.

It would be wrong for the honourable member to suggest that there is any great change of policy here. Put simply, it is important that, if we are looking at Adelaide's and the state's future growth prospects, we should consider all of the options. That will be done by a major review conducted by Planning SA or by consultants reporting to Planning SA to look at where future populations can be accommodated. Whatever solution and whatever recommendations are made, I can assure the honourable member that the integrity of the McLaren Vale wine industry will not be threatened.

ANSWERS TO QUESTIONS

CARBON NEUTRAL ECONOMY

In reply to the **Hon. M. PARNELL** (7 May 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

The government has recently announced a timetable for the South Australian cabinet and subsequently South Australian government to reach carbon neutral status for its own operations by 2020. By 2010 the government hopes to be mitigating 30 per cent of greenhouse gas emissions by purchasing green power and the balance through the purchase of other carbon offsets. By 2020, the government hopes to be offsetting all of its emissions to achieve carbon neutrality by purchasing an equal amount of green power and other carbon offsets.

As stated in the *Climate Change and Greenhouse Emissions Reduction Act 2007*, South Australia aims to reduce greenhouse gas emissions within the state by at least 60 per cent to an amount that is equal to or less than 40 per cent of 1990 levels by 31 December 2050. By 31 December 2014 the state aims to increase the proportion of renewable electricity generated so it comprises at least 20 per cent of electricity generated in the state. Additionally, the state aims to increase the proportion of renewable electricity consumed so that it comprises at least 20 per cent of electricity consumed in the state by 31 December 2014.

The legislation also commits the government to work with business and the community to develop and put in place strategies that will put South Australia in a position to take early action to reduce greenhouse emissions and adapt to climate change.

The government's targets as set out in response to the second question are indeed aspirational but with a price on carbon coming into the economy from 2010 through a national emissions trading scheme, an expanded mandatory renewable energy target and investments in research and development in low and no-emissions technologies at the state and commonwealth level, we are taking some serious steps towards reaching these goals. South Australia is committed to reducing its greenhouse gas emissions and is working towards becoming the first government in Australia to join the Greenhouse Challenge Plus program, administered by the federal government.

South Australia currently hosts 53 per cent of the nation's wind power, almost 40 per cent of the nation's grid-connected solar power, and more than 80 per cent of all geothermal exploration activity in Australia. Each of these is making, and will continue to make, a significant impact on the state's greenhouse footprint.

ROYAL ADELAIDE HOSPITAL

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (29 April 2008).

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Health has provided the following information:

Woodhead Pty Ltd is providing master plan services for this project.

PIPI QUOTA MANAGEMENT SYSTEM

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:33): I table a copy of a ministerial statement relating to the pipi quota management system made earlier today in another place by my colleague the Hon. Rory McEwen.

WATER (COMMONWEALTH POWERS) BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 362.)

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:34): Mr President, I suggest that, as this bill and the Murray-Darling Basin Bill relate to the same matter, we have a conjoint debate. Obviously, we can deal with them separately in committee, but at the second reading stage I believe it may help the council if we have one debate rather than two.

The PRESIDENT: I am happy with that as long as the council is happy with it. Members' second reading speeches will cover both bills.

The Hon. J.M.A. LENSINK (15:36): I rise to make a contribution to this bill on behalf of Liberal members. As this is the key issue facing our state, I understand that a number of my Liberal colleagues will also want to make a contribution from their own personal perspective. This package of measures, including the consequential bill, the Murray-Darling Basin Bill, which I will address very briefly, has also been sold as a reform of the Murray-Darling management but, in fact, it is really a dud and only reinforces what the arrangements have been thus far.

What this country is crying out for and what I think the community demands is that we have a genuinely independent body that makes decisions based on science. There is nothing new in this bill. We need some breakthrough measures that will override the parochial interests of various states and some of the practices of those states, particularly in light of the COAG decisions, which have resulted in a wild scramble to grab water from upstream.

I also refer honourable members to the debate on this bill in the House of Assembly, which constitutes a thorough examination of this issue, on 14 and 15 October. I refer, in particular, to the contribution of the member for MacKillop, our water spokesperson, who has done more justice to this topic than I suspect I am able to.

The Water (Commonwealth Powers) Bill is the chief bill of the two, and it refers a range of powers from the states and territories to the federal jurisdiction and provides that the federal minister will be the principal minister. Some of the other technicalities are that the powers and functions of the Murray-Darling Basin Commission will be transferred to the Murray-Darling Basin Authority, which has been set up under the commonwealth Water Act 2007, which was passed under the previous Howard government. It will also mandate critical human water needs as part of the Murray-Darling Basin operations.

As I have said, the reality is that this would have occurred in any case, although it took place under particular negotiations. Thirdly, the basin water charges and water market rules will be regulated under the ACCC, which will determine or approve regulated charges, which is probably one of the most positive aspects of this bill. Many of these particular measures were really agreed by COAG in 1994 and were negotiated under previous arrangements, although they were not as explicitly stated in the legislation as they will be now.

Going back over some of the history of this issue, interestingly, I was provided with a document by the member for Bragg which talks about some of the history of the Murray-Darling Basin prior to federation. Indeed, The member for Napier, in his contribution, referred to some historical issues, which made quite interesting reading, and noted how little has changed over the century. I refer to a document entitled 'Memoirs of Sampson Newland CMG' (sometime treasurer of South Australia), which was printed in Adelaide in 1926. Mr Newland said some things that I think are quite germane. In chapter 12—The River Murray League—he said:

> Somehow as time went on the national spirit of the people changed and petty rivalries between the colonies as to how much each was entitled to use hampered progress, and thus it came about that Victoria and New South Wales entered into large schemes of diverting the water from the River Murray and its tributaries.
>
> Several active associations were formed in various settled parts of the Riverina country to protect the interests of navigation, and, meanwhile, successive governments of South Australia played ignominious parts, spending years attending useless conferences, discussing and wrangling with our sister states over the division of the water calculated to flow for given periods through certain gauges.
>
> So far as Victoria and New South Wales were concerned, the true object of these conferences was to discover how little South Australia could be induced to accept and to gain time to push on with their own works in their respective states.

If we move forward several decades, as I mentioned, in 1994 we had the COAG agreement, which was historic in altering the regime under which the Murray-Darling Basin would operate, and it has really carried forward for the past 14 years or so.

In 2007, then prime minister Howard, recognising the desperate need for a proper management plan for the Murray-Darling Basin, provided a very generous sum of money (some $10 billion) as an inducement to ensure that the states cooperated with the new agreement. As we are all aware, Victoria held out for political reasons—to assist the Labor Party to gain office. I think that was a most shameful act. When we consider that the initial proposal by then prime minister Howard was nearly two years ago, how much more could we have gained had we taken action earlier and, indeed, had the state Labor government taken action earlier?

On reading the member for MacKillop's speech, I am reminded that Premier Rann spoke to the National Press Club in February 2003 and said, 'We need to do things differently in regard to

management of the basin. We need to reduce our reliance on the River Murray.' That was some time ago (prior to the last state election), but nothing has happened.

One picks up anecdotes around the place and, when I was in Israel last year on a Water Trade Mission, people from interstate water utilities said that they had regular hook-ups with all the water utilities around Australia, including South Australia. They had been shaking their head at the fact that, for such a long time, rather than take some action, this government's attitude has been to pray for rain, and it has really been forced into adopting the Liberal Party's policy of supporting a desalination plant in South Australia. The government has been even tardier in relation to stormwater harvesting, which has been driven largely by local government without much support from this state government.

To return to the bill, it has been referred to as being of a similar structure to the Reserve Bank. Anyone who can make that statement is either a fool or does not understand what they are talking about. The Reserve Bank is a genuinely independent body and uses its own expert advice in order to make decisions. I am sure that it certainly does not pay any attention to the letters it has received on occasion from this state Labor Premier when he likes to pretend that he is doing something.

We have also heard the argument about its guaranteeing critical human need. As stated previously, this has always really been part of the dilution flow, which is part of South Australia's allocation. Indeed, carryover water has also occurred through negotiation.

A document, which is referred to as the 'tabled text' and which comprises some 300 pages (I am obliged to the member for MacKillop for supplying me with his marked-up copy), in effect becomes a schedule to the act. The bill itself has only some seven clauses. So, the mechanics of how this bill operates is that matters will be referred to the commonwealth by two particular means: those which are referred through the table text—which is 304 pages—and matters which are referred to as subject matters. That really is a collection of matters which are referred to the commonwealth, and both are quite separate.

Clause 6 refers to how to undo the legislation once it becomes an act of parliament. Clause 5 refers to how to undo subject matters, and clause 6 refers to how the states would need to undo all of the matters together. It has been stated—and I think it needs to be restated in this chamber—that the states still retain a veto over any decisions made by the authority. So, in that sense, having any sort of independent body really is overridden by that process. The powers really remain with the states.

If we look at some of the activities that have been taking place recently, a very interesting piece on *Four Corners* talked about some of the activities in Queensland and some of the enormous dams that are being built on the Gwydir River just in time, before these arrangements come into place.

The Weekly Times, which is a very comprehensive paper for people with rural interests published in Victoria had, I think on 3 September, an article entitled, 'Water grab leaves southern irrigators...DAMNED'. It has a picture on the front of some bulldozers which are actively cutting out massive dams and further diversion channels on a Moree property. I think the proprietors of that property were actually questioned on *Four Corners*, and I will refer to that in just a moment. On page four, the article states:

> The Murray-Darling Basin Commission's Independent Audit Group estimates Queensland and New South Wales irrigators have increased the capacity of the on-farm storages by at least 1.6 million megalitres—

which is 1,600 gigalitres—

> since the interstate cap on diversions was signed in 1995.

I think it is fairly clear what has been taking place. The urgency with which any federal authority is to be promulgated is really quite stark. I will just refer to the *Four Corners* piece where journalist Sarah Ferguson refers to the Gwydir Valley and Moree, where the 1970s—as she puts it—'saw a veritable cotton rush.' She questioned one of the irrigators as to whether water stealing takes place. She said, 'Seery's son Stephen admits he has helped himself to water when it flooded out on the plain'. She then asked Stephen Seery, 'Do you ever steal water?' He said, 'Um, I wouldn't—don't believe so, no.' She then said, 'Do you think he might have done in the past?' He said, 'Um, maybe we might have borrowed some.' She said, 'What's borrowing water?' He confesses, 'It's non-returnable. She said 'Where did you borrow it from?' and he said 'Oh, it was probably flood

plain harvesting, I guess, in the early days.' She said 'And that's still going on, though, isn't it?' and he said 'Maybe it could be, yeah.'

People from those parts of the world were described in the 1970s as cowboys, and it appears that not much is being done to ensure that everyone has their fair access to the water and that those who are taking additional water will not, in fact, be doing so.

At a time when our irrigators are on 11 per cent of their allocation, irrigators on the Lower Lakes effectively have zero, because there is not any water for them to use. The southern Darling irrigators are on 100 per cent and those on the Murrumbidgee are on 100 per cent and, at the same time, the Victorian government is building the Sugarloaf diversion. In response to that, an action group called Plug the Pipe has been set up. Its campaign is entitled 'No north-south pipeline to Melbourne'. Indeed, even the Mansfield branch of the ALP has opposed it, as have the Victorian Farmers Federation, environmentalist Tim Flannery, Greens leader Bob Brown, Victorian Liberal leader Ted Baillieu, federal coalition leader Malcolm Turnbull, our former colleague Nick Xenophon and a whole range of other stakeholders.

Interestingly, the way forward has been described by certain stakeholders. Honourable members may be aware of a recent report published by the Australian Conservation Foundation on 16 October 2008. It is entitled 'Land and water reform in the Murray-Darling Basin. How governments can secure benefits for industry, communities and the environment by integrating investment in water acquisition infrastructure improvement and structural adjustment in geographically targeted zones'.

It is an interesting read, because it acknowledges the genuine concern of a number of irrigation communities that will effectively see their community infrastructure destroyed if a certain number of irrigators leave those districts. It has referred to a CSIRO report entitled 'Sustainable yields', which has predicted impacts of climate change on water availability over the next 30 years, including all existing local and regional natural resource management and environment data. It has come up with what it describes as a traffic light rating across irrigation districts. One category, green, has good prospects of remaining viable for irrigation in the future; the second category, red, is categorised as unlikely to be viable; and the third category, amber, relates to districts where conclusions about future viability cannot currently be drawn from regular scrutiny of available data.

The scientists propose that, in terms of the federal government's buyback of licences, rather than purchasing licences on an ad hoc basis, seeking to grab a headline for having been good girls and boys and having purchased a significantly large irrigation licence (which may not even exist, so, in effect, they are purchasing air), they target the purchase of irrigation licences to areas that the science tells us are unlikely to continue to be viable, based on current data and overlapped with any data that may have implications regarding climate change. So, rather than having viable districts where people may want to trade their properties but where future generations will be able to continue to farm, we sell out those areas that are particularly unviable. I think that is an indication of the approach that the federal government ought to be taking.

I think it is disappointing that the federal government is not being more aggressive with the states in staring them down and saying that this is in the national interest and it is time to sidestep those parochial interests that are devastating some of our communities. I would be surprised if there is a politician in this parliament who has not been to the Lower Lakes and, if they have not, I urge them to go and talk to some of those communities.

On that note, I think it is also disappointing that the federal government chose not to support the amendments put forward by the new members for Mayo and Barker, which sought a $50 million assistance package for the communities of the Lower Lakes. I remember listening to an ABC Radio program when it went to that site. The difficulty for a number of people who are not actually irrigators but have businesses in, and are part of, the community in those districts is they are in limbo land. They do not know what the future holds, and it is extremely stressful for anyone continuing to carry on business as usual when they do not know whether their business is viable into the future. We need to have proper exit strategies for the people in the community in those districts, not just those who are irrigators.

I also refer to the package that was cobbled together by the commonwealth with this particular state government to give irrigators $150,000 to exit the industry and sell their water to the federal government. There were several weeks during which those water licence holders could not even get hold of the criteria and could not get through to people on the telephone. It was just a shambles, and it was all for the sake of the government's being able to say it was doing something

in response to this problem, yet it seems they never got the facts first. It is always done at the last minute and it is ill-prepared.

With those comments, I advise that the Liberal Party supports this bill but is highly critical of the approach this government has taken to the water needs of all South Australians.

The Hon. J.A. DARLEY (15:57): I rise to support the package of bills to hand power over the Murray-Darling Basin system to the commonwealth. There are three problems that I would like to outline as challenges in dealing with this issue.

The first is drought. Any farmer will tell you, 'You get drought one year in seven, so they say—sometimes more, sometimes less.' You just cannot plan for this, but the environmental consequences of drought, when it does occur, need to be factored into any management of the system.

Secondly, regarding the issue of over-allocation of water down the length of the system, with the Cubbie stations of this world eating up vital water resources and leaving little for those downstream, allocation needs to be fair and equitable but also workable, taking account of all the water available. I commend the water audit currently being undertaken by the federal government and wonder why someone did not think of doing this sooner.

Thirdly, any authority needs to look at the short and long-term environmental health of the river system as a whole. I refer to the view of Professor Mike Young and the Wentworth group of scientists that there needs to be a certain amount of water in the system to satisfy the environmental needs of the system before you even begin to consider allocating water. This environmental water consideration must factor in the health of the Lower Lakes as well.

As I mentioned previously, climatic and environmental issues need to be addressed in any proposed allocation system. These two bills are, in my opinion, long overdue. It should be the case that the law leads rather than follows. Cooperative action by all states should have been taken two years ago when the federal government first proposed that there would be one authority to manage the entire Murray-Darling Basin system, and I would have thought that this state would be a leader in the legislative charge to action instead of just following.

The Hon. R.P. WORTLEY (16:00): I rise today to speak about this bill. This is one bill of a reform package of two complimentary bills, the other being the Murray-Darling Basin Bill. I indicate my support for both bills. We all know that we are in a critical stage in our national history. The factors behind this enormous challenge for the community and the government have been well canvassed. These include climate change, resulting in extreme temperatures and rainfall fluctuations; the current extended drought; uneven water distribution to communities and irrigators; and inept management on the part of both state and federal governments over many years. I need not dwell on the associated buck-passing between all at the expense of proper water usage and conservation.

It is the case that the factors to which I have referred are now converging into what may well be an all too real social, ecological and economic disaster. Water levels along the Murray-Darling are at historically low levels. Below average rainfall, poor inflows and above average temperatures have added to the plight of the river and that of the people who dwell along its banks and rely on its bounty. We all know about the situation in Lake Albert and Lake Alexandrina and the government's continuing efforts to alleviate the exposure of acid sulphate sediments.

The actual and prospective economic costs to our state have been well canvassed in the media and elsewhere. We all know the human cost. The potential for social dislocation inherent in these circumstances is almost too heartbreaking to consider, but we must consider it and we must act now. This is the time. The South Australian Labor government, its counterparts in New South Wales, Victoria, Queensland, the Australian Capital Territory and the federal government have acted in unison. On 3 July 2008, these parties entered into an historic agreement on Murray-Darling Basin reform. This agreement enables them in concert to better manage the pressures of water over allocation, environmental deterioration, climate change and economic transition in order to better meet future needs and to safeguard and augment the river's social, environment and economic value.

The pivot around which the reforms operate is the limited text-based referral of the powers by the basin states to the commonwealth. Following that process, the commonwealth will then amend the Water Act 2007 in various respects. One of these amendments will create the new and

independent Murray-Darling Basin Authority. This authority will take responsibility for the efficient operation of the river system, while still protecting state water-sharing arrangements.

By virtue of the agreement, South Australia for the first time will have access to upstream storages of our choice in which to store water for critical human needs and private carryover. This will allow us to carry over and store some 300 gigalitres of water, representing a real reduction in the risk of a major failure in the supply of potable water to communities in South Australia. Without this reform—as all those opposite should well know—our state has no ongoing access to storage. Meanwhile access to storage for carry over of water for private purposes will assist our irrigators in their increasingly desperate plight.

I noticed in the newspaper recently a push by irrigator Mr Tim Whetstone, who is President of the SA Murray Irrigators Association, to gain Liberal pre-selection in the seat of Chaffey. It is well known and acknowledged that the Hon. Karlene Maywald in another place is probably one of the most knowledgeable persons in this state parliament regarding the River Murray. She has given her heart and soul—and her family has given their heart and soul—to the people of Chaffey. It staggers me that this candidate for preselection—who seems to be the front runner for preselection—is openly criticising the state Labor government for its handling of water issues in relation to the River Murray.

The silence of the South Australian Murray Irrigators Group over 10 or 11 years of absolute inaction by the Howard Liberal government is probably one of the most disgraceful episodes in the history of the Riverland. Members will find a number of issues here that I will go through and it seems that the Murray Irrigators Group are no more than puppets for the Liberal Party, and its current Chairman, Mr Tim Whetstone, is no more than a stooge—

The Hon. D.W. Ridgway: Every opportunity you grovel in the gutter.

The Hon. R.P. WORTLEY: I seem to be getting agreement from my colleagues opposite. The Hon. Ms Maywald in another place is probably the most knowledgeable person and has probably done more for the people of Chaffey with regard to the problems of the Riverland than has anyone in the history of the state.

The Hon. D.W. Ridgway: The people will make that decision.

The Hon. R.P. WORTLEY: The people will eventually make that decision: they will have a choice between a very competent minister in a Labor government and a person who for years has been part of an association, the irrigators group, which has done nothing to pressure the Howard government into any action regarding the problems of the River Murray. They came up in January last year prior to the election with a half-baked, concocted policy that was more to do with run-in to the election with something than actually looking after the interests of the people of Chaffey.

In today's paper I noticed an article headed 'Water rat faces prison', an article regarding water theft in the Riverland. I am going to speak here from my own experience when I was secretary of the Gas Employees Union for quite a few years and represented the interests of those employees.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens will take his place in the chamber and cease interjecting.

The Hon. R.P. WORTLEY: I represented the interests of gas industry workers. When the Labor government decided to sell Sagasco to Santos, I organised 5,000 people to march down King William Street against the Labor government. Despite the fact that I was a member, was on the state executive and our union was affiliated, I still marched our members and the public—5,000 of them—down King William Street to Parliament House because we knew that selling Sagasco to Santos was not in the interests of our members. That is what representing people in an organisation is all about.

What has the Murray Irrigators Group done? What has Mr Tim Whetstone done? There has been deathly silence. He has now come along and decided that he wants to be the member for Chaffey. So, someone who was not known anywhere is out there criticising a very competent minister, she having given her life blood to Chaffey. He is no more than a Liberal stooge. Under the heading 'Water rat faces prison', the article also quotes Tim Whetstone—he is out there doing quite a bit of talking now—and states that 53 million litres of water have been stolen from the River Murray and someone has been charged. This does not happen overnight. Obviously this has been

going on for a long time. Now this has come out, it has put a question mark over the integrity of many irrigators in the Riverland. Yet, 99 per cent of those irrigators are honest, decent people who are suffering badly. We now have a situation where, only now that the person has been caught and charged, the South Australian Murray Irrigators Group Chairman comes out and makes a pretty ordinary comment. There was nothing about protecting the integrity of all irrigators up there, so you really question the integrity of this person who would now like to be the member for Chaffey.

The people of Chaffey will have a clear choice in the next election: a competent minister in Karlene Maywald who has given her heart and soul to the people of Chaffey, and her family lives in the area, or a Liberal stooge backbencher who lives in Gilberton, whose family lives in Gilberton and whose kids go to school in Adelaide. That is the clear choice. Hopefully, the choice they will make is to keep the great representation they have now in the Labor government and they will continue to be represented by a well-respected and competent minister.

The provision of water for critical human needs is the absolute priority for the communities that depend on the Murray-Darling Basin. The governments involved have acknowledged this by propounding a three-tier system to manage future scarcity. I wonder also whether the Riverland Irrigators Group is going to come out and congratulate the federal government for actually doing something. It is actually doing something.

The Hon. A. Bressington interjecting:

The Hon. R.P. WORTLEY: It actually takes a plan and organisation to do it. Things do not just come out of the sky. I know that as an Independent on the back bench who never has to deliver anything you can take that attitude, but people who are responsibly governing actually have to plan and put things in place. It is the easiest thing in the world to be an irresponsible backbencher; the hardest thing is governing responsibly for the people of South Australia.

The first tier provides for normal water sharing in accordance with the new agreement. In times of uncertainty, when it is questionable whether sufficient water will be available to alleviate seepage and evaporation, consequent to the delivery of critical human water needs, conveyance water will be a priority under tier 2. Conveyance water is that water required to cover the losses that I have described. If this occurs, the ministerial council will determine how water is to be shared in response to the prevailing conditions on an ongoing basis.

Significantly, under these arrangements, all states will remain responsible for securing and providing the volume of water required for critical human needs. Along with our new right to store water, this will enable our government to carefully and appropriately manage our state's supply during dry periods. In recognition of the good sense of a uniform approach to regulation, the Australian Competition and Consumer Commission's role in setting water market and charge rulings will be extended.

So, water market rules set by the commonwealth will now apply to all relevant bodies within the basin, not only those within the ambit of the commonwealth's constitutional powers. In addition, the water charge rules will apply to a larger range of transactions. However, it should be noted that charges relating to urban water supply beyond the point of removal of water from a basin resource will be excluded.

South Australia has taken a dominant role in developing the framework this bill outlines, and much of this is as a result of the great involvement of the greatest water minister this state will probably ever see. Ours is the first state to introduce reform of the legislation. But among the congratulations, let me introduce a note of caution. Despite the significance of the agreement, there is no quick fix for our rivers. The Hon. Ms Bressington thinks that this can be fixed up overnight, but it takes time to do this. The Howard government took 11 years to do nothing, which has only exacerbated the problems and the crisis up in the Riverland.

The reforms will be carried out in the medium to long term to facilitate better management for our most precious resources into the future. Of course, immediate needs are being dealt with by other mechanisms but we will need to remain both patient and vigilant. It has been a long journey for all governments involved in the negotiations that have resulted in this and the related bill. Surely we can all agree that this well considered framework is so much more productive of goodwill and cooperation than the ill-conceived ham-fisted takeover proposal put forward by the previous government in January 2007.

As I said when I first rose to speak, we are at a critical stage in our national history. Any delay in passing this bill and the Murray-Darling Basin Bill could delay the commencement of the

new authority's functions, scheduled for 1 November 2008. I urge the speedy consideration and passage of this bill and related legislation, and I commend all those involved.

I register my support for these measures with much hope for the future of South Australia, as we move forward cooperatively and confidently with our state, territory and federal colleagues.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:16): I rise to make a few comments about the two bills before us relating to the River Murray. I am sure the Hon. Michelle Lensink, who is obviously the lead speaker for the opposition, has covered the bill in reasonable detail, although I will pose some questions at the end of my contribution in relation to the Hon. Robert Brokenshire's amendment, so that the government is better placed to bring back advice on some of the definitions and the things the honourable member discusses in his amendment.

Having listened to the Hon. Russell Wortley talking about the long-term planning to be put in place for what he believes to be a solution to solving the problems of the river, I remind members opposite that, in 1989, the Premier, the Hon. Mike Rann, made his first speech in this parliament in relation to climate change. He must have been a visionary then, because he said that he could see that, because of climate change and the hole in the ozone layer, we were facing a crisis. However, he did nothing about it. He talked about it, but he did nothing about it.

So, 20 years later, the Premier is now saying that he is going to act. It is typical of this government and the leadership we see from this government on a whole range of issues, but particularly on this issue. Over the past almost seven years we have had, by and large, a declining asset in the River Murray and less and less water being available to our irrigators and declining groundwater. I was an irrigator myself in the South-East. In fact, I think I am the only member of parliament whose entire income, prior to coming to parliament, was made from irrigation. Most other members of parliament who were farmers had some dryland farming income, but my entire income was derived from irrigation. So, I am probably better placed to talk—

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: The Hon. Russell Wortley interjects, talking about where I live in the eastern suburbs. I will have him know that I have just installed the latest sub-surface irrigation in my lawn and planted South Australia's most drought, salt and detergent tolerant lawn so that I can have a green space that is environmentally friendly. I have used the expertise I gained over 20 years of farming to come up with a solution rather than sitting there and whinging. We talked about—

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: Where do you live?

Members interjecting:

The PRESIDENT: Order! I remind honourable members that question time finished some time ago. I will not tolerate questions across the chamber by honourable members. It is not much interest where any honourable member lives.

The Hon. D.W. RIDGWAY: Thank you for your protection and guidance, Mr President. As I have said, what we are seeing with this issue is a Premier and a government that are happy to talk about issues but never really step up to the plate to deliver any outcome. Just this weekend, we saw an article about the wind turbines—the Premier claimed this wonderful initiative to put wind turbines, albeit small turbines, on buildings around the CBD to put electricity back into the grid. However, not one of these wind turbines has ever worked. In fact, the company that brought them here went broke. Really, most of the time, this is a person who leads a government and who talks about issues but does not do anything about it.

This government is led by someone who made a statement 20 years ago about climate change. Largely, the government's approach has been to get on its knees and pray for rain. Sadly for the state, that has not happened. I know that, when the desalination plant was being discussed, after the Liberal Party had announced that it would build one for metropolitan Adelaide if it were in government, the Premier told the federal government, 'Well, we probably should build it, but what if it rains? We might not need it then.' This person leads the government, but he has shown no leadership whatsoever on water in this state.

If you look at what has happened in relation to water in this state over the past few years in a chronological order, much can be attributed to the former Liberal government. The first Waterproofing Adelaide strategy was conceived by the last Liberal government. The threat to the

city's water security was identified, and a range of options was canvassed to meet the challenges ahead. So, eight, 10 or 12 years ago, when we had a Liberal government, these issues were identified and a strategy was put in place.

The Rann Labor government's Waterproofing Adelaide document shows that, under drought conditions, such as those experienced in the Murray-Darling catchment since at least 2002, Adelaide's water demand would exceed its water supply by 2007. It is in the government's own documents that all these problems existed, but the trouble was that all it wanted to do was talk about it: it did not really want to commit to solving the problem.

The government failed to take up the initiative of building a desalination plant. When the Liberal Party announced it, it was poo-pooed and looked upon as a joke. Minister John Hill said that we did not need one; treasurer Kevin Foley said that it was too big; the Premier said we did not need one; and minister Maywald said that we did not need one.

Of course, as you know, Mr President, in opposition you have limited resources, but a committee of two or three people within the Liberal Party put together the proposal that Port Stanvac was the logical place to look at and explore as a sensible place to put a desalination plant. But, arrogant as it is, the government chose not to listen to us and, in a bipartisan way, say, 'Yes, that's not a bad idea. Let's get on board. We'll support you, and we'll ask for your support, and investigate it.' Having spent a lot of money putting together a high-level committee, 12 months later it recommended that Port Stanvac was the logical place to build a desalination plant!

This again demonstrates that the government has always played politics with water and prayed for rain. It has never really had the courage to grasp the opportunities when they present themselves. You only have to look back to the offer of $10 billion put on the table by the former Liberal government: it was the first time in our nation's history that the federal government recognised that there was a problem, and $10 billion was put on the table.

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: The member opposite interjects and says that that is a joke, but $10 billion was put on the table. The state Labor premiers and the National Labor Party President (Hon. Mike Rann, Premier of South Australia) played games for political reasons. We could have had a federal agreement, and we could have had something in place well over 12 months ago, but they wanted to play games and extract the maximum political benefit for the Labor Party. They were not really interested in South Australia or in the communities along the river that the Hon. Russell Wortley talks about. Has he ever been to the river? He would not even know where it is most of the time.

We saw that the Victorian Premier at the time (Steve Bracks) held out, and we saw this political agenda, driven by the Labor premiers, to defeat the former Liberal government, with no concern about the outcome for the rest of the nation or the communities along the river.

I grew up in a rural community, and I know that you, Mr President, have spent a significant amount of your life in rural communities. They can start to disintegrate because of a downturn in a commodity or a prolonged drought, and we are seeing that in the Riverland. Certainly some of the permanent plantings have been lost there, and they will take decades to recover.

The Hon. Russell Wortley talks about decades of inaction. He outrageously attacked the President of the River Murray Irrigators Association, Mr Tim Whetstone. Look at some of the initiatives that were promoted by the former Liberal government and supported by the local community. Salt interception schemes were introduced by the former Liberal government to reduce inflows of highly saline groundwater into the river near Waikerie. A series of pipelines carrying the salt has been put out to the Stockyard Plains disposal basin. That was one of the first initiatives to be put in place.

The rehabilitation of the flats near Murray Bridge was also instigated by the former Liberal government to reduce pollution in the river and improve water quality and irrigation efficiency. One of the most important initiatives was the rehabilitation of the Loxton irrigation system, where all the open channels were replaced with a high pressure pipe system to both conserve water and reduce quantities of salt being carried back into the river. These are projects that the former Liberal government put in place—

The Hon. R.P. Wortley: Financed by federal Labor.

The Hon. D.W. RIDGWAY: He has just hit the nail on the head with that interjection. We had the state Liberal government working with a federal Labor government to get a good outcome for our Riverland communities. What we have had in the past few years is a state Labor government not prepared to work with the federal Liberal government for political reasons, and neglecting the communities in the Riverland.

To this day, we still have some 12,000 kilometres of open channels in Victoria and New South Wales delivering water. Why isn't the Premier in his capacity as ALP President showing some leadership? Why isn't he bringing the other premiers to the table, promoting some big investments in infrastructure to see those open channels put into pipes? You do not have to be a rocket scientist to know that open channels—and some of them are huge—have massive amounts of evaporation and seepage. The seepage probably benefits groundwater; it replenishes some of the aquifers, but the evaporation is just lost. I know that there was a proposal years ago by some irrigators and business people to pipe the Anabranch of the Darling and keep the water, because only two per cent of the water that flowed into the Anabranch actually made it into the Darling; the rest was lost to evaporation and seepage.

We can see that there are some wonderful opportunities to be gained by investing in infrastructure but, of course, we have not ever seen it from this government and from this Premier, because they have wanted to leverage the biggest political benefit they could get out of this. They have always believed that it would rain one day and mother nature would solve our problems. In the meantime, they will have leveraged the best political advantage for their comrades in other states and for themselves.

The Hon. Russell Wortley referred to the COAG agreement signed earlier this year. A big meeting was held here in Adelaide and television announcements were made that everybody was happy and all the state premiers and the Prime Minister lined up. However, when one actually looks at that agreement, one realises that it is quite flawed. The individual basin states will retain their rights to frustrate the national approach with the so-called independent body being subject to political interference from state governments. There needs to be genuine will from all the parties; from all the states. Again, it comes back to the leadership of the Premier in his capacity as national President of the ALP. We as a state have an opportunity if the Premier is prepared to step up and show some leadership.

Last week we saw his own party realise that they did not want his leadership here. There was a whole range of agitators. The Hon. Russell Wortley talked about water rats earlier. I am sure the Premier has some water rats of his own on his team. There seems to be no sense of urgency in this agreement. The Hon. Russell Wortley says that we must act quickly and pass this legislation for the referral of powers, but the basin plan under the COAG agreement is not due until 2011 and the state water plans will remain in place until 2019. That is 11 years away. If the river continues to decline at the same rate that it is now, there will be nothing left by 2019. This national agreement was a joke. Again, it was done for political reasons.

There has been no attempt to stop the Victorian government and Melbourne Water's plans to divert water from the basin for Melbourne's use. The only person who is standing up to it, I note from the paper, and who was threatened by the Victorian government, which said he would be forbidden to attend or would be expelled from the meeting, was the Hon. Nick Xenophon, who was going to attend the public meeting in Victoria. I have not caught up with what happened and whether or not he attended that rally.

However, having said that, there was someone in there fighting for South Australia against Victoria. Where is Mike Rann and the Hon. Karlene Maywald, whom the Hon. Russell Wortley talks about as our greatest water minister? Why is our water security minister not over there helping to secure our water and stopping them?

Members opposite are just a joke. They have delivered nothing for South Australia. The major rivers, such as the Darling, the Murrumbidgee and the Goulburn, still remain under state control. It is a bizarre concept that the rivers that feed the main river—the Murray—are controlled by the states. So, they can stop all the water coming out of those rivers and not let any into the River Murray.

The Hon. Russell Wortley made some comments about the regional communities—and, obviously, the Hon. Russell Wortley needs some water and is going for a drink. I think we have to realise that it is the Riverland communities where the real harm and the damage is being done with respect to our regional communities. The fact that this government has been prepared to play

politics with water for as long as it has done has meant that the real losers in the end are our Riverland communities. I just hope that, in the end, it rains, because certainly the government has not delivered any outcomes for those communities.

I believe that, in an Adelaide sense, the government has also failed to capitalise on the opportunities to fast-track stormwater harvesting, and those sorts of projects, and also recycled effluent. The state government was not even prepared to match federal funding to extend the Virginia pipeline.

In these general comments about the River Murray—and, in particular, this bill—I will now refer to comments that have been made with respect to the Hon. Robert Brokenshire's amendment. The amendment is basically to change the definition of 'critical human water needs'. My understanding is that, in this bill and this definition it is, if you like, the dilution flow that has been spoken about in this sense with respect to critical human needs, and not the water that goes to irrigators or comes to Adelaide or our country towns for critical human needs. That has to come out of each state's allocation. So, all we are guaranteed under this measure is dilution flow.

I hope I have explained that properly so that the government, through the minister, can explain that it is not about each state's allocation; it is about the dilution flows to deliver the water—the transport mechanism, if you like—here to South Australia. I indicate that I support the bills, but I also recognise this as being many years of neglect by the Rann Labor government.

The Hon. A. BRESSINGTON (16:33): I rise to indicate my support for the Water (Commonwealth Powers) Bill and the consequential Murray-Darling Basin Bill. I do so with some hesitation, but I recognise that any delay to the passage of these bills would only further protract the lengthy negotiations and set back the 2011 release of the Murray-Darling Basin Plan.

I was a little distressed by the comments of the Hon. Russell Wortley, who said that backbenchers do not have to deliver on anything and, therefore, we can afford to be irresponsible. For the record, I make it very clear to members opposite that they are members of the government. It is their ministers who are required to deliver, not the backbenchers. It is not within our authority to be able to develop such legislation and negotiate. So, I will expect a written apology from the Hon. Russell Wortley at any time that suits him.

Water has certainly been a hot topic in recent years, particularly in the past few months. The situation at the moment is a bit of a dog's breakfast. The recent federal Mayo by-election—in an electorate that takes in the area most affected by the years of improper management of the inflows to the Murray, the Coorong and Lower Lakes—was described by commentators as one that would be won and lost on the issue of water. I find it interesting that this was also a by-election in which Labor did not field a candidate and the Liberals' Jamie Briggs only just got over the line after a massive swing towards the Greens. This blue ribbon seat (which previously was held by Alexander Downer for 25 years) is suddenly on a knife's edge. The message is clear: the local community is tired of the spin and inaction of the major parties on water.

In many ways, the health of the River Murray, the Coorong and Lower Lakes is a barometer for the health of the local community, and at the moment, like the river, the local community is dying. I have spoken with many local residents, who have told me of the suffering going on down there at the moment. Industry is drying up and farmers are walking off the land. Towns are being driven into the ground.

The bill before us today fulfils a long awaited intergovernmental agreement signed in July this year by the Murray-Darling Basin states—Queensland, New South Wales, Victoria, South Australia and the Australian Capital Territory. I acknowledge the efforts of all those at the negotiating table and hope that the Murray River will be the ultimate beneficiary of their work. The Water (Commonwealth Powers) Bill, in compliance with sections 51 and 37 of the federal Constitution, refers to the commonwealth the necessary powers to manage the basin system to ensure the provision of water for critical human needs, to regulate the trading of water licences and to transfer the functions of the Murray-Darling Basin Commission, which was established in 1988, to the new Murray-Darling Basin Authority.

The intention behind the transfer from the commission to the authority (other than creating a new website and logo) is the development of an aforementioned Murray-Darling Basin Plan. The basin plan is scheduled to be handed down in 2011, with an interim report prior to that. Developing a strategic plan that provides for the sustainable and equitable extraction of water from the Murray and Darling systems is no easy mandate. The bare reality is that, for too long, the Murray and Darling systems have been over-allocated, with water bought at a price not comparable to its

worth. This has led to the inefficient use and often wastage of our most precious resource. Reining in this exploitation must be the priority of the basin plan.

Confounding matters, the plan to be prepared by the authority ultimately rests with the federal minister, who has the power under the intergovernmental agreement to amend the plan as she sees fit without the approval of the authority and signatory states. In fact, I am led to believe that the adoption of the basin plan is the only power under the IGA not requiring unanimous agreement among the states that is preventing a state from having the right to veto. While I, like most others, can foresee the shenanigans the right to veto will create, I am also uncomfortable leaving the adoption of the basin plan solely in the hands of the minister, who can amend without consultation.

In addition, under the intergovernmental agreement, the Murray-Darling Basin Authority may recommend amendment to the Murray-Darling Basin Agreement only if it is needed, with the ministerial council not obliged to make those changes. While one can understand why this is so, to my mind it guarantees that the negotiations between the states (which have been described to me as 'painful') and the subsequent politicking will only continue into the future.

The Hon. R.L. Brokenshire: Hear, hear!

The Hon. A. BRESSINGTON: Thank you. While removing the current Murray-Darling Basin institutions, it also appears that the intergovernmental agreement has done little to streamline the basin bureaucracy, with the establishment of the authority, the new ministerial council, the basin officers committee and the basin community committee. As I learned during a recent briefing, who advises whom has only become more complicated.

However, despite these shortcomings, it is my earnest hope that the authority does not become lost among the burgeoning water bureaucracy and that it is able to exercise the little independence remaining to develop a strategic plan free from political short-term pressures. However, as mentioned, this seems unlikely, as the Murray-Darling Basin Plan ultimately lies in the hands of the federal minister.

Over the past 200 years river regulation within the Murray-Darling Basin has dramatically altered the surrounding landscape, most notably in the Coorong. Slowly and surely the problems have been building over the years to the point where, exacerbated by the drought, we are now in a crisis, and, with South Australia as the exit point of the Murray, we have repeatedly been short-changed, most notably in the Coorong and Lower Lakes. Due to its position the Coorong bears the brunt of actions and decisions made throughout the basin, of which we currently manage only half. At present, as members would be aware, we do not manage above Menindee Lakes.

I also make the point that, while we are aware of the water storage upstream and its effect on the Coorong and the Lower Lakes, some 20 years ago South Australia elected to be solely responsible for the welfare and maintenance of these heritage icons. In all fairness, no-one would have thought that Australian states would actually be engaged in a water cold war. This says a lot for how times and the Australian way of life have deteriorated and, as a result, we will now—and probably forever more—have to face the reality that the Australian Federation has suffered serious blows because of nothing more than the dirty and unconscionable gains of politics. Some 20 years ago no-one could have foreseen where we are right now, but people do expect that governments will do their duty to ensure that the most basic of human needs are met—and well met.

The Hon. R.P. Wortley: Could have 10 years ago when Howard was in.

The Hon. A. BRESSINGTON: Could have, would have, should have—and you guys in six years have done very little, as well. We all are to blame for this. Everyone who has been in this place and everyone who has made decisions in this place and the other place on the management of water has to be prepared to take a level of responsibility for what is occurring now.

The water quality of the Murray-Darling system has deteriorated due to factors such as polluted drainage, land clearance and erosion, and that has led to a reduction in the number of species inhabiting the region. Due to the extraction of water for irrigation, there have been reduced flows and this has meant long periods where no fresh water has reached the Coorong via the barrages. This has adversely impacted the salinity levels of the system, divesting it of nutrients and allowing sand to accumulate inside the Murray Mouth.

So we have the Coorong, which was declared a wetland of international importance under the Ramsar Convention in 1985, being brought to its knees. Many species found at the Murray Mouth are being replaced with marine species. The habitats of 14 threatened species of bird are

under threat, as are the Australian pelicans which make up the world's largest breeding colony. This is despite the federal government's established agreement with Japan and China to protect habitats of migratory birds. However, it seems that our government and the other basin states have ignored the plight of the Coorong.

Basically, we have been the whipping boy for other states, which have built diversions and storages with almost no checks and boundaries, particularly in the area around northern New South Wales and southern Queensland. The Eastern States have ridden roughshod over South Australia for years by doing deals with each other and not properly relating to the caps. It seems that the worse the natural circumstances—such as the present drought which officially began in 2002—the worse the rorting that occurs and the higher the percentage of water allocation to our eastern neighbours.

As has been pointed out on numerous occasions, South Australian irrigators are currently on a 15 per cent allocation, while other states are on between 80 to 95 per cent. Recent figures reveal that 93 per cent of the river's water is used upstream of the SA border. It simply cannot go on. The only way in which it can be fixed is for the Rudd government to take control and assert itself over the vested interests of the states. If that fails to happen the consequences will be disastrous.

However, we have a plan for a plan. While such criticism may be unjust, it is reasonable to argue that the Lower Lakes and their surrounding communities do not have three years to wait for a plan. They are in crisis now and in need of urgent assistance. It has been said to me in outside briefings from well-known and well-respected experts on the management of the Murray-Darling system that steps could be taken to bring relief immediately.

The Hon. R.L. Brokenshire: Leadership would be a great start.

The Hon. A. BRESSINGTON: Leadership would be a great start. One suggestion was that Prime Minister Kevin Rudd invest $3.5 billion now to buy back water entitlements for the River Murray because of past over allocation, and that would be enough to have the Lower Lakes and the Coorong saved from immediate destruction and buy us about an 18 month reprieve.

During these 18 months it is vital that a 10-year plan be developed in order to maintain the health of the river system. It was also stated that whatever decisions are made they should be based on science and not on politics. This science includes infrastructure plans, water allocations and long-term plans for the preservation of our own food bowl in future times of drought. This state needs to reconcile that we have sat on our hands for far too long, while other states such as Victoria and New South Wales have planned for an uncertain water future. We are now suffering the consequences of decades of indecision and lack of foresight, and we are seeing our agricultural world shrinking before our very eyes. How can South Australia support the population growth that is part of the Strategic Plan of this state without even being able to supply the bare necessity of water resources that this includes?

In Russia, the bureaucrats were responsible for the Chernobyl disaster. In South Australia the story will be the same for the Lower Lakes and the Coorong. It is time for the government to step outside the square and take notice of the experts who are more than willing to offer their services in an effort to save the Murray and the Lower Lakes. History shows that the government does not always get it right and, with the livelihood of this state at stake, we cannot afford to use a lucky-dip approach any longer, and nor can we afford to expect other states to bear the burden that has been created through our own negligence in planning for the future.

South Australia is often referred to as the driest state in the driest inhabited continent, and it seems that this phrase and knowledge in itself is a loud and clear warning that water would always have the potential to be our nemesis. Unfortunately, it seems that the urgency now upon us was not present in years past. While it has always been convenient for the South Australian government to lay blame for the slow progress on other state and federal governments, I have come to learn just how slow this government has been to react to not only the present drought but also the realisation that the once bountiful flows of the Murray are no longer.

Unlike the Victorian government, the South Australian government has failed to develop a comprehensive plan for the management of our piece of the Murray. The highly lauded sustainable water strategies that divide Victoria into four regions, and strives for the sustainable balance between urban, industrial, agricultural and environmental water needs, seems a far shot from anything the South Australian government has produced. Despite the plight of the Coorong being

so glaringly obvious, the South Australian government is yet to put forward a workable plan for its recovery. All we have seen and heard is spin.

While I am just as inclined as any South Australian to argue that the additional $1 billion given to Victoria would have been more appropriately spent rescuing the Coorong and the Lower Lakes or upscaling our water licences to high security, I can also understand why Victorians are reluctant to compromise the plans they had in place so they could be part of a national agreement. Such inaction led to the extraordinary situation of the Victorian Premier slamming his South Australian Labor colleague, the Hon. Mr Rann, for his handling of the issue. Now it has been said that, if our Premier had the fortitude of Steve Bracks or John Brumby, and aggressively put forward the rights of our state earlier, we would have had better outcomes, and I have to say that I agree. I also add to that the foresight of the Victorian Premier in developing strategic plans for the management of the Murray.

The consensus of water experts is that individual state plans will be unsuccessful in restoring the Murray. Mike Young, University of Adelaide Research Chair in Water Economies and Management, is one of many who believes the current Murray-Darling agreement is seriously flawed, as he said last month in *The Advertiser*. Another expert, Professor Wayne Meyer, University of Adelaide Professor in Natural Resource Science, whilst being critical of the state government's overall performance on water management said that it should be given credit for keeping the pressure on the Australian government and the other Murray-Darling Basin state governments to improve management of the Murray.

I agree 100 per cent that only national control and management of the Murray can save it from the desperate situation it is in. State governments were elected to represent the people of the state, and you can bet your house on the fact that they will remain unconcerned with problems facing alternative states. I am hopeful that the intergovernmental agreement will enable the better management of the basin, because it is clear that we are at breaking point. I look forward to the swift passage of both these bills.

The Hon. R.L. BROKENSHIRE (16:50): Before speaking on this bill, I put on the public record (as I always do when there is any potential to question anything I say) that I own a property on the River Murray, but we do not irrigate with water from the River Murray.

I was hoping that today would be a joyous occasion and that I would speak for only a couple of minutes to say, 'Well done, everyone. A great bill and a monumental occasion for South Australia which guarantees a healthy, vibrant and economically strong Murray-Darling Basin for the future, particularly for South Australia.' But, unfortunately, the fact is that I do not have the confidence to say that with respect to this bill and the way in which it has been negotiated.

I say at the start that I find it very difficult to come into a democratic place which operates under the Westminster system and, effectively, be asked to rubber stamp the most significant legislation I have ever debated in this chamber—that is, to rubber stamp something that has been drafted and put forward 100 per cent by COAG and the ministerial council—and to be subjected to threats, potentially, if I try to amend this bill in any way at all to make it a better bill for South Australians. That is a matter that concerns me.

When I attended ministerial council meetings, whenever there was any national agreement (and I was involved with some of them with respect to firearms and such things), you always ensured that you fought for the very best possible legislation for the state you represented. That has not, in fact, occurred on this occasion, and that is a great pity for the future. As I noted in *Hansard*, a member in the other place said that, in 50 years people will look back at this legislation and say that it was not a good piece of legislation for South Australia and it did not guarantee the healthy, strong and vibrant river system we had the opportunity to provide.

I know that, once this bill has passed both houses, the Premier and the minister will issue a press release saying, 'It took 100 years, but we did it! We achieved it!' A lot of smokescreens will be raised about this issue, because the focus of this legislation is about making a million people—the key voters in this state—think that the government has done a grand job for them in saving the River Murray. The government hopes that this legislation alone will ensure that the vote in the marginal seats will be sufficient to return it to government. However, I say that this bill does not guarantee a sustainable future for the Murray-Darling Basin and that it especially does not guarantee a sustainable future for the water supply, environmental flow and the health of the river system from the border east of Renmark through to the Lower Lakes.

Having said that, I again say that I see this legislation as an affront to parliamentary democracy. That is why I have put forward an amendment, and I ask all members in this chamber to have a close look at this amendment in the interests of their constituents, because this amendment will at least help to secure a sustainable food bowl for South Australia.

I will speak more in the committee stage about the issue of states opting out, but I am very concerned about clauses 5 and 6 of this bill, which effectively allow a state to opt out. I did not think that would happen with this legislation. I thought that, once locked in, they were locked in for good. That is the only way this bill will succeed to its full potential. To be fair, there may well have been a lot of genuine intent from a number of people in the government in South Australia and in other states. However, the fact of the matter is that some people were much smarter and more clever, and they were able to manipulate and negotiate a far better deal for their state.

We do not have a level playing field with this legislation. In the briefing, I raised the issue that a state can veto what is going on, and I am advised it can effectively opt out of this agreement. I was told at the briefing that money was involved in this, and I acknowledge that there is: part of the package for this scheme involves a sum of approximately $13.9 billion. By the way, that is over 10 years, and I think that in itself is far too long. I cannot understand why, with the surplus and the fact that we need to spend on infrastructure, there is not an acceleration of infrastructure projects for more efficient water use, particularly in the Eastern States, which have not done anywhere near what South Australian food producers and successive governments have done over a long period.

The water buyback should be accelerated and a proper price paid, not doing over the irrigators or the food growers when the banks say, 'No more! We're not giving you any more money for temporary water. We are going to come in at bargain basement prices as a government, drip-feed several million dollars a year, and pick you off grower by grower.' How outrageous and how undemocratic!

The bottom line is that, when the 10 years are up and that money has been spent, if there is a federal Labor government and all the states have a Labor government, except one, and that state starts to be put under enormous pressure, what will the Liberal government do in that state? Alternatively, if there is a Liberal government both federally and in every state but one, and that state is under pressure in relation to water supply for that state, it can opt out and say, 'Sorry; we hung on for 10 years, but it didn't work. It was pathetic legislation, and I'm going to stand up for the rights of my state.'

They will destroy the system, and they will never get a chance like this again. This is not about spin doctors. This is the main artery to the heart of South Australia. This is the water supply we need for our future. We should get it right, and we should have fought for a better deal. I say to the media: do not buy the lemon; have a very close look at this legislation and highlight to the community and the taxpayers of this state the weaknesses in this legislation.

As for the ministerial council, I ask: where does the real control lie? It can comment on the basin plan and send it back to the authority. In fairness to the officers, I will put some of this on the public record now so that they have a chance to come up with some answers in the committee stage. Who will ultimately decide what will happen in relation to the basin? We do not have an independent authority. There is no real independent authority as this legislation stands. In one of the Premier's media releases before the last federal election on 7 February, he stated:

> My stance has now been vindicated with Greens Senator Bob Brown [and his party, the Green Party] from around the country, publicly endorsing my call for an independent authority...

The Premier said that he wanted an independent authority, that he wanted to remove the politics from this issue and that never again did he want a situation where politicians could muck it up. That is what has happened in the past, and we all have to take responsibility for it. However, here is an opportunity. The Premier said:

> ...endorsing my call for an independent authority made up of people with science, environmental and community expertise.

On 7 August, the Premier said that he 'remains committed to the River Murray rescue plan, including the establishment of an independent authority to oversee the river'. He also said:

> Earlier this year, I negotiated with the Prime Minister for an expert-based authority to manage the river.

I took that statement to imply, in part, that it would be absolutely independent, that it would look at the health and wellbeing of the river from the head of the catchment to the Lower Lakes, and that it would also look at equity and fairness, which has never been in the system.

South Australia is allowed only about 6 per cent of all the water in the basin. I thought that this was our chance, and I agreed with the Premier. I was going to back him 150 per cent, but then I got this legislation—only a few weeks ago, by the way, although we are supposed to pass it by 1 November. This situation has been 100 years in the making, yet we are forced to rush this bill through the parliament. My experience in the parliament is that, when you rush bills through, you get a dog's breakfast of a bill—and this is one of those bills.

On 27 March 2008, Mr Rann said that he was delighted that an independent authority would be established to manage the Murray-Darling Basin and that it would spend the next few years consulting with the states to develop a basin plan which will have final sign-off by the federal water minister and then be managed by the authority whose decisions will be made on the basis of science and not political considerations. On 3 July 2008, the Premier said:

> This is a stunning result for South Australia. South Australia has lobbied for an independent authority to manage the Murray-Darling Basin. I asked what persuasive powers does the minister have—that is, the state minister—with the commonwealth minister. Will there be transparency in how the minister makes her or his decisions in the future? What exactly is meant by 'the final sign-off by the federal water minister' in the 27 March release? Is this now not the case, or is the new authority not really independent but, rather, subject to the federal minister's veto?

I do not know, because the legislation is not detailed and extensive legislation; it is a few pages, and I am talking here about both bills at once. They are just a few pages. But the devil is in the detail, and we never even had a chance to look at the devil in the detail of the bill. This is something that I have not experienced before in the years I have been in the parliament whereby it is called a text—368 pages of text. What does it mean? What are the legalities around that text? I have not spoken to a colleague anywhere of any political persuasion that actually understands the legal ramifications of the text. It is massive and it is complex, and we have less than two weeks to go through it.

Under this agreement, on the question of independence, is it the case that in absolute real terms—when it is all boiled down—nothing changes? Maybe that is a bit harsh. Maybe they are steps in the right direction but, if we really look at it and analyse it, the truth of the matter is that little or nothing changes.

Let us talk about the 1,850 gigalitres minimum allocation. Growers are asking me whether we are getting this now. The answer is: no, we are not. I want to put on the public record my appreciation, and that of Family First's, of rural and regional South Australians along the River Murray in South Australia. Only about 15 years ago, when the state was on its knees, these people had the intestinal fortitude of best practice food producers. They had the intestinal fortitude (between tourism, horticulture and viticulture) to go out there and invest significant amounts of money along the whole of the River Murray system—dairy farmers below Lock 1, right down to the Lakes.

Having had the privilege of sitting around the cabinet table and being briefed by the treasurer and the premier at the time, I can say that it was investments like that and people who were absolutely committed (to this day) that got this state's economy going again. Then it came into the city and flowed from there.

It is a difficult situation for those people at the moment, and they need to know their sustainability and they need to know that the legislation will, as best as possible, subject to mother nature, guarantee them the opportunity to continue to produce food for South Australia, Australia and to export. We do not want to have to import the sort of food that we are importing at the moment. If we do not get this legislation right, our fruit will come from Chile, Argentina and China, and we will lose more social fabric. We will see communities without proper opportunities in the future, and I will talk more about that in a moment. I do not have any confidence in food coming from China, and I do not think that anybody else in this parliament, or in this state for that matter, has any confidence in that.

If we get the 1,850 gigalitres of water, will it be a situation where we would have any real concern for permanent planting survival and cropping from those plantings? In what circumstances do we actually get more than 1,850 gigalitres? I would like to know about that, too. If we see floods and good water coming through the river system, under this legislation, in what circumstances can we get more than 1,850 gigalitres?

Exclusion of the tributaries really frustrates me. In fact, it beggars belief that this is a Murray-Darling Basin deal. When one looks into the details, it does not include the whole of the basin; it does not include absolutely all of the catchment of the River Murray Darling Basin. These

are, I believe, a few fairly straight questions for the minister, who should be willing to not spin and cover up for the deals done to keep Victoria happy. In fact, really, I should not put these questions to the minister but to the Premier.

It is incredibly unprofessional that a lot of this stuff was done only after *The Advertiser* had front-page stories and COAG was coming to Adelaide. I would love to see the agenda. In fact, I would love the Premier to table the agenda of COAG so that all my colleagues can see it and see whether or not the Murray-Darling Basin matters were even on that agenda, or whether it was actually rushed through that night or the next morning.

There was only one clear winner out of that—and, wow, what a Premier he is. They might not realise it in Victoria, but sit here and have a look. He did far better than Prime Minister Rudd or Premier Rann. He did far better for his state.

I have some questions. The scientists all say what the basin includes, but does this agreement include all the tributaries in the basin? If it does not, which tributaries are not included? What were the terms of the agreement by which those tributaries were not included? Should the Premier have fought for irrigators, food producers, environmental flow and the Lower Lakes as hard as Premier Brumby from Victoria fought to get these exclusions? We have missed out. It is a cop-out.

Mr Brumby received $1 billion, just like that. We ended up with $600 million. We have had that for a while now, by the way, but most of the people living along the whole of the River Murray system do not understand the detail of the $600 million. I do not know whether or not I was asleep (I do not sleep much), but I have not been invited to a briefing that gives me, as a member of Parliament, absolute detail to know where all the dollars of that $600 million are going and how this $67 million is being spent—how much is being spent on taking the water from Jervois to Currency Creek and Langhorne Creek and across to Meningie and the Raukan community and the Narrung peninsula. I have no idea.

I also do not understand why, for crying out loud, at the same time all this is happening, private investors are building a pipeline from Jervois down to their irrigation properties. Where is the coordination, the management, the planning and the transparency? It is not here. And we are just supposed to accept the government's word? Come on!

I want to talk about the environment—in respect of which I believe the Premier should have played absolute hardball, with no negotiation. The Premier had an opportunity here and, in my humble opinion, this Premier has failed with this bill and he has failed regarding the future opportunities of South Australians with respect to the river. I would be happy to debate this with the Premier anywhere at all.

The trump card the Premier had, as I see it, was that before the last federal election Prime Minister Rudd told all Australians that he would fix the River Murray; that whatever was needed, if they voted for him as Prime Minister he would fix it. South Australians voted for him in droves, and now they absolutely and categorically expect it to be fixed 100 per cent—I am talking about this from the point of view of fairness. There is this nonsense about them saying, 'Well, I can't make it rain.' Of course they damn well cannot make it rain, because they are not God. So, they cannot make it rain, and no-one is stupid enough to ever think that they could. However, they are legislators and leaders, and they could have done a lot more. The Prime Minister made the commitment, so why did we not play the hardest possible game that we could?

With respect to environmental flows, why were not gigalitres of water committed to the Lower Lakes and work done on the survival of permanent plantings? I would like some answers on that. I am advised that, even now, 30 gigalitres of water down to the Lower Lakes would at least give them a chance for one year. I pray to God that we will again receive proper rains from next year. However, in the meantime, let us have some leadership, because 30 gigalitres could be sent there tomorrow if there was real leadership. It could be down there within a week. All they have to do is drop a bit off all the locks, from Lock 1 to Lock 9, and they could help the bottom end.

Why was there not a strong argument to ensure that we had water supply from the Lower Lakes back up? It is a whole river system, and we cannot continue to pull too much out of the top. Our modelling has to be on a worst case scenario that the water is still from the bottom up. That is the only way in which to have a healthy river system. In America, where there is a situation similar to ours—where there is a significant major river system running through, I think, three states—it is enshrined in legislation that the bottom end of that river system must be protected first, and that is the only sensible way in which it could be done.

However, this legislation does not do that. This legislation does not do anything to guarantee or give people confidence with respect to their businesses, their social environment, environmental issues and all the things they need. Where is the water for the Lower Lakes? What priority will the lakes have to receive water from a 1,850 gigalitre share? What is the amount that the government has set aside out of that 1,850 gigalitres (if it receives it) for the Lower Lakes, and has the government done any modelling of that nature?

I would like to see a pie chart, if one is available, or some graphs, charts or spreadsheets—and the government must have them. I think we are entitled to have a look at them. Before the committee stage I would like to see the information that shows, when we receive 1,850 gigalitres, how it will be distributed. No-one knows at this stage. However, someone in government must know. What percentage do they have there for SA Water, for environmental flow and for irrigators? No-one knows. That information is locked away in a ministerial or departmental office somewhere. Let us know.

I understand that the commonwealth environmental water holder within the legislation will have a licence to use water, like any other irrigator. What is the minister's best estimate of the water the holder will have available? If the answer is that it is up to the authority to decide, that is a common answer and begs the question: are we building the top of the pyramid without knowing the foundation? By that, I mean that these two current bills are just the top of the pyramid. We were not initially given the middle section that I talked about, where the devil is in the detail—that is, the tabled text—which still has to be passed by parliament. The bottom section is the basin plan and other scientific matters that the new authority still has to come up with. It is paper thin on detail and wide open on uncertainty.

If it were not all Labor states that were dealing with this legislation at the moment, there is no way known that it would get through without serious amendment. And rushed? Let us just talk about that for a minute. It was introduced in the other place on 23 September 2008, debated and concluded effectively over only two sitting days, 14 and 15 October, and then introduced in this place on the last sitting day, 16 October. I have mentioned previously but I will say specifically now that it was a bill of five pages but it had a sister bill of 17 pages and 304 pages of tabled text.

Why the hurry? I reckon that if we were to all talk on this topic for the time that we should, and if we spent as much time in committee as we should fleshing out the real detail behind this so that we could expose it to the community and get a little bit of feedback from talkback radio on the way and have enough time to digest all this and put it into language that we could send to the key stakeholders throughout the state, we would need a bit more time, but we would do a better job of it.

But do you know what would happen if that was to take place, Mr Acting President? The government would accuse Family First, the Democrats, the Greens and the Liberal Party of holding up this history-making legislation, and it would try to blame us by saying we were making it difficult for it to get the bill through. That is what it would be telling the media. But that is not true. What we are doing is missing out on a golden opportunity for South Australia.

As I said, why the hurry? There is a commitment to pass this bill by a certain date. What is the significance of that? Parallel to this, and what is not happening fast enough, is consideration for the futures of the growers in this state right now. This legislation is not going to fix anything for them immediately. There is a lot of work that should be going on right now to address issues for growers for this season, and I want to talk about a couple of those things in a little while. So the government should not attempt to hoodwink people and tell them that it has to be hurried through now. The only reason it has to be hurried through now is two P words: 'political' and 'political'. That is the only reason it is being hurried through now.

I turn to SA Water. I want to know what SA Water's allocation is. In other words, how many gigalitres is SA Water permitted to take out of the basin? If we are to give fully informed consent to pass this handover package, will the minister tell us the parameters, in terms of gigalitres, of how much water SA Water is allowed to take out of the river?

Also, what is the status of water restrictions? Food producers along the River Murray complain to me that, whilst they have a legal licence and allocation, they obviously are only getting a very small percentage of that at this point in time. They go on to say that people on town supply are required only to water at certain times and, whilst through altruism and concern for irrigators and the environment, that has produced some reduction in water use, it is not strictly a water restriction of the same nature as that which applies to a food producer in percentage terms of the

reduction in their licensed allocation. What it is actually is a restriction on the timing of the use of water. I would like the minister to outline what impact this plan will have on water restrictions in Adelaide going forward, and I will be asking that question during committee.

On a related matter, and of much concern, is Victoria. I want to talk for a moment about how much water the city of Melbourne is now taking and what it is projected it will take out of the Murray-Darling Basin—I highlight 'Murray-Darling Basin'—by taking water out of the Goulburn River? How does that work out on a per capita basis between Adelaide and Melbourne residents?

In relation to the legal access to the Hume and Dartmouth dams, I congratulate those who got that in, because it had to happen. But I want to know what will be the legal access to water that spills over the top of the dams when we get a good year? What are the legal mechanisms around opportunities for South Australia in that instance? In relation to the 1,850 gigalitres, which I understand allows water to be held back so that South Australia can get water in the future, will we be holding back water in other states' storages by taking less than our 1,850 gigalitres? In other words, will the government choose to take, say, 1,250 gigalitres one year so we can hold back 600 gigalitres for another year? I do not know, but I would like an answer.

I want to talk about critical human needs. I have a question for the minister: what was intended by what I see as incredibly broad political wording in the definition of 'critical human needs' in clause 3? When I was arguing for a flow of water for environmental purposes and survival of the Lower Lakes, I raised the issue of the Menindee Lakes, where there had been an increase in water, and the negotiation to allow some of that to flow through. The answer I got from the minister, via the media, was along this line: 'Well, that is critical human needs for Adelaide and towns supplied by SA Water.' So I took that to mean only two things: for human consumption and sanitation purposes within households. But, when you start to look at this, it is far broader than that.

I know this is a committee question but, if the minister and the government are in such a hurry to pass this bill, I put them on notice now that I want clarification of all this. I ask: what are 'prohibitively high social, economic or national security costs'? That is contained in the definition of 'critical human needs'. We have had some legal advice on this. Also: for whom is it prohibitive? Does that mean communities or family farms? Or, is it prohibitively high for the government of the day?

I challenge any honourable member to defend the present clause as a narrow clause. It is not a narrow clause. It is wide open—it is as wide as AAMI Stadium. That is one of the reasons Family First will move an amendment that I will address in more detail in committee. I have sent to honourable members the text of my amendment. It is about protecting permanent plantings by ensuring that the broad wording in the definition of 'critical human needs' is certain to include permanent plantings. People have to drink water in order to survive, and they also have to eat. If we cannot produce our own food, where are we going as a state and as a nation? We cannot mine ourselves out of trouble forever. We can sustainably grow food.

Let me put before the council for its consideration, as it thinks about Family First's amendment, what the Premier said in a media release on 7 February 2007. The media release states:

> I have made it clear that I am willing to cede our state's constitutional powers over the Murray—

we all are, subject to the legislation being fair for South Australians and, hopefully, better than it was in the past—

> but only if there are adequate safeguards and assurances for flows to South Australia.

That is what the Premier said. Are members happy with that? Is what the Premier said in the legislation? I cannot see it. I cannot sit comfortably at home tonight and feel satisfied that, if anyone in South Australia comes to me, there are adequate safeguards and assurances for flows to South Australia. I will not lie to them. The truth is that there are not those safeguards and assurances in this bill. I beg the media to look at it and tell the public of South Australia that they are not there. They are not there, and I will do what I can to ensure that people realise they are not there. As one member of this council, I do not want them coming for my blood. The media release continues:

> I'm also aware that commentators have said that South Australia is out on its own, that I'm being increasingly isolated, and that John Howard's takeover bid will prevail tomorrow without the safeguards I have been demanding. I'm not backing down and I'm heartened by statements made yesterday by the premiers of Queensland and Victoria. The River Murray will be the loser without the safeguards I am insisting upon.

That is what the Premier said. He said that the River Murray will be the loser without the safeguards on which he was insisting. Well, they are not there. They are not there for South Australia. It continues:

> The fact that cotton and rice growers are opposing South Australia's position is, in my view, a vindication.

Our amendment does not protect annual crops, such as cotton, rice or wheat. These can be planted at any time once temporary water has been purchased. The amendment provides a responsible safeguard if a state government really has a plan for the long-term future of our irrigation communities. There must be a basic question to both the commonwealth and state governments. I want this debate raised, and I will do what I can to get it on the public debating platform.

Do we want a Riverland, as we know it, being a food producing bowl? Do we want a dairy industry, as we know it, along the River Murray and the Lower Lakes? Do we want family farming or are we writing them off? Are we writing off family farming? Sadly, I think there is a wink and a nod between the state and commonwealth governments, that they are happy to write off family farmers. They are happy to bring in the corporates and leave the management investment schemes in place—which I thought were gone.

Members should think about the Barossa Valley where we have best-practice wine grape growers and wines such as Hill of Grace and Grange Hermitage. They are all complaining because the corporates are now in the Barossa Valley, spending as fast as they can. I do not think they are irrigating from bores or using recycled water in the Barossa Valley. I think they are bringing that water from the River Murray.

While this is a chance to strengthen and stop this, Timbercorp (the forestry company) through MISs is planting thousands of acres of almonds just over the border. It is getting a water licence for that project, yet South Australian food producers are on their knees. I have spent a fair bit of time around the Riverland and along the river system because, next to my home district, I love it. I lived up there for a while. They are salt of the earth people. They farm at best practice. They generate an economy and stand on their own two feet whenever they can, but during their time in need they are not getting support. They are not getting support—and I condemn the government for it. I do not care whether it is a Liberal or Labor government. If it was a Liberal government in power now, I would be condemning it, too.

Where is the support for family farming? How did this nation get built? Families came to South Australia in 1840 to do family farming. They built this economy and governments—and the federal Liberal government was just as bad—rolled over and had their tummies scratched by the corporates. They encouraged MISs, yet we cannot even guarantee water for family farmers for the survival of their permanent plantings. It is not good enough.

Does this government have a plan for a reduction in the number of family farms? If it does, is it consolidating them into white collar farmers, corporates and shareholder monopolies? I want to know that. Come out and say that I am wrong and show me why I am wrong. All rural people ask the same question. I can tell members that, if we got this right, we would see immediately a reinvigoration of confidence in those areas.

Yesterday I was visiting some rural growers. Has the government got a plan for growing food for our own use and for export? I am proud that my son is a fourth generation farmer. He is a very good farmer, but he cannot work in the future against climate change or all the other problems, including accreditations and input costs, and then have the corporates working against him, as well. Farming families and best practice food producers yesterday told me that they are actively discouraging their kids from taking on their properties. They are actively discouraging them. I was always brought up to encourage the next generation because of the experience, the ethos, the passion and the love of growing food.

There is nothing in my life that has been as rewarding as being a food producer, visiting people and looking at the food on their table and knowing that we had a part in providing that food. It is the most fantastic thing, working with nature. These people are actively discouraging their kids from going on because they have lost confidence, as they have not had direction from the government. Where will our labourers come from if the experience is lost and workers from family farms give up?

The Hon. A. Bressington: From China.

The Hon. R.L. BROKENSHIRE: My colleague says, 'From china'. The labour will, actually, because the food will be produced in China. I thank my colleagues for their patience, as I have nearly finished. However, when we get to committee I will be in there for the long haul with quite a few questions, as will others, because we have missed a golden opportunity here. If I am wrong, I ask the Premier and his government to show me where I am wrong, but I am not wrong. We have missed a golden opportunity, political point-scoring on our future!

I will comment on a couple of other issues. I am calling today for things to be done for food producers right away. We may be ridiculed in the media and by the government for spending a bit of time talking about this. Is it democracy or is it now the dictatorship? When my father went to the Second World War, with a lot of other fathers, backed up by a lot of women doing their job supporting them, do members know why he went there? He went to fight for democracy and against dictatorship, and I am not sure that we have a true democracy here right now. Whether this legislation goes through on 1, 2 or 3 November does not really worry me. It worries me whether we get it right, and I do not think we will get it right; it certainly is not right at the moment.

Whilst New South Wales may have rushed through its legislation in a couple of days, I am cynical about that. That is not anything to champion. New South Wales rushed this supposedly mirror legislation through both houses of its parliament, I am told, in a couple of days. I wish I had had time to read the detail of the debate. I am cynical, because New South Wales has not done any favours for South Australia in the past when it comes to the Murray-Darling Basin, nor has Victoria. I am told that Victoria and possibly Queensland will not get it through by the date agreed by COAG, 1 November. They are not sitting or they will take longer to deal with it. I do not know whether members saw *Four Corners* last Monday week. I saw just the last part of it but will be looking at it in detail. I suggest that members look at it with respect to the attitude of the Queenslanders. What does it say about the agreement?

I am calling for something like the old agriculture department's rural industries assistance scheme. There are food producers right along the river who need two things right now: first, they need assistance to buy temporary water because the banks may not give them finance this year. We heard here today from the Minister for State/Local Government Relations that $2 billion was a great initiative for the tramline extension. I would like to debate that on another occasion, but if you can find $2 billion for that you can find a few million to subsidise some interest rates so that our food producers can obtain some of that temporary water and create income for this state and some GST that will be returned to the coffers. They need subsidisation right now. It could be done next week in cabinet and they could buy and produce, rather than simply keeping their permanent plantings alive. This legislation will not help them immediately.

The other point I make in conclusion is that the Premier said, when an announcement was made about an exit package for irrigators, that it was the last piece of the jigsaw puzzle. He is so wrong! It is one very small piece of a jigsaw puzzle that we are not completing here with the debate on the bill. Why just an exit package? It is an ill-thought through exit package, because it does not, for example, allow for the house to be subdivided off so that the next irrigator can buy the property; it actually pays them to rip out the permanent plantings. It implies that if you have only 30 acres or less you were not growing very good crops in any case. That is wrong and ill-thought through, and there should be a comprehensive restructure package.

Before the global financial crash there was buoyancy, which I hope we can see continue. In my industry, the dairy industry, they are exporting their backsides off now because the dairy restructure package worked. That same package needs to be given to the Murray-Darling Basin, with the principles and modelling of that package adopted for those growers and irrigators while we debate this bill. Then we will start to get somewhere, because we will have the survival of our food production and our food bowl.

The final point with the legislation is that, whilst it is an attempt—and only an attempt—to get some sort of fairness into sustainable water supply through the Murray Darling Basin, there is no legislation I am seeing from the government to ensure that we start to wean ourselves off the city, and that all those people who rely on the River Murray start to wean themselves off it as well. If we are serious about the River Murray and about a sustainable future for South Australia, we would have a holistic comprehensive water strategy and plan and we would have a stack of other legislation in here that we would be debating, but it is not here. There is some from the Independents and crossbench members, but neither of the major parties, Liberal or Labor, has anything when it comes to a comprehensive water strategy and relevant legislation to ensure that we get that sustainable future.

I have been pretty critical of this legislation, and some members will go out there and tell the media that and they will also try to tell their constituents. However, I have been critical of the legislation because I was a great supporter of the principles we were going to be debating in this place. As I said earlier, if the legislation had fought for a better deal and absolute independence, with no interference from politicians in the future and if, for once in 100 years, we had a Murray-Darling Basin system that was fair and equitable for all Australians, I would not have stood up and spent the past 50 minutes, or whatever it is, debating this bill. However, that is not the case, and it is one of the greatest missed opportunities I have seen.

In closing, I place on the public record that history will show that, if we pass this legislation in its present form, democracy will be gone; we will be like puppy dogs; and we will have missed the greatest opportunity ever to fix the only river system on the eastern and southern side of our nation of Australia. I say to my colleagues: we could have done better, but we did not have the leadership.

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

MURRAY-DARLING BASIN BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 364.)

The Hon. J.M.A. LENSINK (17:40): I rise to speak to this bill very briefly, as it is consequential to the Water (Commonwealth Powers) Bill, and we have been listening to second reading contributions on that bill for the past couple of hours.

I note that the machinery of this bill is to transfer the governance matters from the Murray-Darling Basin Commission to the Murray-Darling Basin Authority; the state jurisdictions will have the power to appoint a person to the basin officials committee, a committee established under the commonwealth act; and also for the states to continue to have a role as contracting governments to undertake works and to acquire and dispose of land, and other things.

I also want to comment on some of the remarks made by the enlightened and sincere backbencher, the Hon. Russell Wortley, who decided to take a shot at one of the potential Liberal candidates, who will be standing for the seat of Chaffey. I thought the Hon. Mr Wortley's remarks were a little unfair, but he also played into the hands of the Liberal opposition in that we have been saying for some time that the member for Chaffey is not, in fact, a National Independent but a de facto member of the Labor Party.

So, the Hon. Russell Wortley, who frequently plays the role of providing the voice and the message of what the Labor Party wants to convey to the community, has fallen well and truly into our hands and confirmed what we already know, that is, the current member for Chaffey is, in fact, a de facto member of the Labor Party. With those remarks, I indicate my support for the bill.

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

NURSING AND MIDWIFERY PRACTICE BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 375.)

The Hon. SANDRA KANCK (17:43): I begin with three words: about bloody time. It has taken us too long to deal with legislation that recognises the professionalism of midwives in this state. This bill repeals the Nurses Act 1999. The recognition of midwifery in the title of the bill is a hugely symbolic act by the parliament. Midwives are increasingly undergoing very different and specialised training compared to nurses, and they are indeed a separate profession in their own right.

In 1999, the current Nurses Act was passed. I attempted at that time—and fortunately succeeded—to maintain a separate midwifery register. The proposal of the then Liberal government was to roll all nurses and midwives together as if they were the same. It was certainly a hard fight to get it to that point, but the one thing that really left me quite flat at the end was that I was not successful in being able to rename it the nurses and midwives act, despite the fact that there was evidence—indeed, government ministers put it on the record—that South Australia was moving to have the training of direct entry midwives, which meant that people would go straight into midwifery rather than the old-time method of training and getting a triple certificate in nursing, with midwifery as one of those add-ons.

At the time we debated the Nurses Act 1999, six overseas trained midwives were practising in South Australia. They were registered as nurses, despite the fact that it was very clear that they were not nurses and that it was absolutely inappropriate to label them as such. When I attempted to amend the act so that midwives were included in the title, the argument the government used was that only six midwives were registered in South Australia who had trained only in midwifery and therefore what I was asking for was not needed. The opposition took the industrial position of the Australian Nurses Federation at the time, which was that midwifery was, effectively, a branch of nursing and not a separate profession.

It was interesting that both the Liberal and Labor parties acknowledged that in South Australia we were in the process of establishing direct entry midwifery courses, but the Labor Party argued that we needed to wait and see what the impact of that would be. The first direct entry midwifery degree courses began at Flinders University and the University of South Australia in 2002, which was 18 months after the current act came into operation.

Those of us with some knowledge of midwifery knew that, upon graduation, the students would have to register and declare themselves to be competent as nurses when, in fact, there was no such competency and there never could be. Some of the limited number of direct entry midwives, and some of those who would be directly involved in the training of the direct entry midwives, told me at that point that, if you had put some of them into an accident and emergency department or a surgical ward, they would have been totally at sea and not competent to act as a nurse, yet they had to sign a form and state, 'I am proficient to act as a nurse.' So, they had to lie.

With those deficiencies in the current act, there was concern that the first midwife graduates would have to register in New South Wales, for instance. In the end, they were registered in South Australia but, when filling out their application forms, they had to lie about their competency to act as nurses.

Historically, 40 years ago, midwifery was an add-on after training to be a nurse. It might have been appropriate 40 years ago to have a Nurses Act but, at the end of the 20th century, our MPs ought to have looked a little further into the quite near future and at developments that were occurring in this field.

So, in frustration, and knowing that the first direct entry midwives were only seven months away from completing their studies, in May 2004 I had drafted for me and introduced into this place a Midwives Bill. Meanwhile, the Australian College of Midwives continued to lobby and negotiate with the Minister for Human Services, as the minister (Lea Stevens) was titled at that time. She told them that, although a separate Midwives Act was unacceptable to her, she would introduce a Nurses and Midwives Bill in mid 2005.

I point out that the midwives who were negotiating with the minister had to make concessions on this point, even though they specifically wanted a separate Midwives Act. In order to progress things along, they agreed to have a Nurses and Midwives Act. So, having made that concession, they expected that, as promised, this bill would be introduced in mid 2005. Was it introduced? Clearly not, otherwise we would not be dealing with it today.

I reintroduced my Midwives Bill in September 2005, in part as a message to the government that it was not following up on the promises it had made to the midwives and that it was taking much too long to progress a Nurses and Midwives Bill. Of course, it also reminded the minister that there were problems with the probably 40 or so midwives in the first lot of graduating students having to lie about their competencies in order to register as a nurse.

Before the end of 2005, history tells us that minister Stevens had to resign her portfolio due to ill health and that the Hon. John Hill was appointed to take on that position. I very quickly sought an appointment to meet with him in late 2005, and he quite graciously gave me an appointment fairly soon after my asking for it.

I took my own agenda along to that meeting, and at the top of that agenda was the recognition of midwifery as a profession. I spent some time explaining to him why it was important, and I told him about the importance of language in this regard, and I will talk about that a little later. Disappointingly, despite my meeting with minister Hill in late 2005, it has taken almost three years since then to get this bill into parliament.

I am disappointed by the comments of the opposition and its shadow minister about the term 'midwifery'. In her speech, she suggested that, as a term, it was out of date. I want to reassure her that it is absolutely not out of date. In fact, it is a term we must retain because it means 'with

woman', and that is what the profession of midwifery is all about—working with pregnant and birthing women and then working with them, post birth, assisting in establishing breastfeeding and the bond between the mother and the newborn child.

I am also pleased that the definition of 'midwifery' in this bill includes postnatal care. Midwifery is a partnership between equals and, with its meaning of 'with woman', it can, and does, encompass the handful of male midwives in this state. It is a non-medical model and it is about wellness.

It is very different to the practice of obstetrics. Obstetrics is about the out-of-the-ordinary and about complications. Most pregnant women—something like 95 per cent—do not need obstetricians. Obstetricians, by virtue of their being doctors, have an entirely medical perspective on this process: it is about intervention; it is not about pregnancy and birthing being natural things for women to do. Obstetricians 'deliver' babies. It is a very doctor-centred term and process as compared with the mother-centred process which midwives facilitate.

In the midwifery model, women birth their children; they call the shots. There is no need for a doctor to deliver them as if they were being released from a prison. Delivery versus birthing—the language, the procedures and the underlying philosophies are very different. Women who choose to birth with a midwife are, we know, significantly less likely to have medical intervention, such as a caesarean or ventouse or forceps deliveries. The births are far more likely to be natural, occurring when the baby is ready to be born rather than to suit an obstetrician's golf timetable. The babies are more likely to be breastfed and the mothers are less likely to have postnatal depression.

The federal government's current National Maternity Services Review paper has some very interesting figures, and I will read from that discussion paper as follows:

> Australia has a very high rate of caesarean section—30.3 per cent of births in 2005 compared with the 2004 OECD average of 22 per cent of births. This proportion has increased markedly over the past 15 years, up from 18 per cent in 1991. This is well above the World Health Organisation's recommendation that caesarean sections should only be necessary for fewer than 10 per cent of women, with 15 per cent being an upper limit for surgical intervention.
>
> Within Australia there is also considerable variation in the caesarean rates between the public and private systems, between states and territories and between individual hospitals. Private hospital patients are more likely to have caesarean births (40.3 per cent compared with 27.1 per cent in public hospitals), as well as higher use of forceps (5.1 per cent compared with 3.0 per cent), or vacuum extraction (9.7 per cent compared with 6.4 per cent) for vaginal births.

In September 2001, I launched a conference on caesarean awareness held in North Adelaide. One of the speakers was Gus Dekker, who at that stage was an obstetrician at the Queen Elizabeth Hospital. Gus Dekker comes from the Netherlands, where obstetricians have a very different attitude towards birthing and interventions. He is now a professor of obstetrics and gynaecology at the University of Adelaide, and he gave some very interesting facts and figures about when caesareans occur. He was able to tell us from his own experiences in Adelaide that there is a dearth of caesareans on Wednesday afternoons and on weekends.

Given that foetal distress or prolonged labour can be some of the justifications for caesareans, it seems strange that this largely does not occur on Wednesday afternoons or on weekends (the days that doctors traditionally play golf), and one might conclude that this seems to coincide just too nicely with obstetricians being able to have the weekend off and being able to play golf on a Wednesday afternoon.

Gus Dekker also gave us some figures from 1999 compared to his home country of the Netherlands regarding caesareans. At that stage, the figure for South Australia was 24.9 per cent—again, significantly higher than the World Health Organisation suggests—compared to 7 per cent for the Netherlands, and one has to wonder why. It is to South Australia's shame that our caesarean rates are so high. I believe that this is something that we need to address as a matter of urgency.

I would like to use this opportunity to ask the minister if, on providing the second reading summing up, we can have a few answers to questions on current caesarean rates in South Australia and on the difference between the public and the private system. Again, if one looks at the figures provided in the current national consultation, there is a huge difference between caesarean rates in public and private hospitals.

I also note that there can be significant differences according to which hospitals we are talking about. So, I will ask whether the minister can provide that information, given that the private

hospital system has a much higher caesarean rate than the public hospital system. What is the breakdown of the caesarean rate of one private hospital compared with another within South Australia? Also, is there any breakdown in figures based on whether the birthing was at the hands of a midwife or an obstetrician?

Independent midwives—that is, those who are not directly employed by a hospital or health service in this state—have no indemnity insurance, and that has been the position now for the last eight years.

I find it strange that 15 years ago the state government was able and willing to broker a deal with GP obstetricians in this state who were facing hefty increases in their indemnity premiums so that the state government would underwrite that system, but it has not been willing to offer a similar cross-subsidy to midwives. So, another question to which I seek an answer during the second reading reply by the minister is: how much is the state government currently paying per annum for the GP obstetrician indemnity scheme and, with the passage of this bill, will the government consider implementing a similar scheme for independent midwives?

This bill, in concert with the federal government's current consultation, will play a part in ensuring that birthing is considered the act of a well woman and produce better and more cost-effective outcomes than a doctor-led model. The next move must be to push (and I do not mean that as a play on words) for a national maternity policy that promotes normal birth first and foremost. Once we begin with that as our basis, everything else will flow, that is, we will see a reduction in interventions, we will get more midwifery-led care, we will see more mothers breast feeding and so on.

There is, and has been for quite some time now, a shortage of nurses and midwives, and the government has been actively recruiting nurses and midwives from overseas. I ask the minister to provide details during the summing up of the cost involved in this program and also information about which countries the successful applicants have come from.

Nurses and midwives have to demonstrate currency of practice, and more refresher courses must be provided for them. I was recently contacted by a midwife who has spent the last few years working overseas in Afghanistan, Burma and India. We have no reciprocal relationships with those countries for recognition of her practice in those countries, so she applied to do a refresher course. There is only one run per year at Flinders University, and only 10 of the applicants were able to be accepted to do this year's refresher course. She was eleventh on the list, so she missed out and now has to wait until next year for the next refresher course.

So, here we have an experienced midwife—and we have a shortage of midwives in this state—who is now working as a night-fill operator in a supermarket. This person wants to continue to work in South Australia but, because we do not have enough refresher courses (and this comes down, I believe, to the state government not funding them) she may be forced either to move interstate or back overseas again if she wants to continue to work as a midwife.

Clause 35 of the bill deals with this issue. It states that a limit can be placed on the nursing or midwifery care that the person can provide and, if the board is satisfied that they have not practised for a period of five years or more, it can impose a condition requiring the person to undertake a specified course of education or training or to obtain specified experience, and there are such other conditions as the board thinks fit. So, in this example, it seems to me that there could be provision for this woman to practise with a little bit of flexibility, if it could be exercised, under the terms of clause 35.

When one considers that the government has this recruitment program running overseas, one will see that it might be a cheaper option to provide more spaces in refresher courses and more frequent refresher courses so that nurses and midwives who are interested in re-entering the workforce and practising in South Australia are able to do so. When one considers that a recruitment program that operates overseas may or may not hit its mark, getting those who already have qualifications here in South Australia back working in the field would appear to be a much cheaper option.

I now turn specifically to nurses, because they are encompassed by this bill, although for nurses it is not, I suppose, with the same degree of triumph that they approach this legislation because it is not such a breakthrough for them. This is more an updating and bringing the legislation into the 21st century for them.

I observe that nursing is an area where there seems to be a lot of bullying, particularly in the mental health area, from the contacts that are made with my office from time to time. Both bullying and nepotism seem to be complaints, although I do not hear much about this from midwives. I think it is really important that the government ensures that this sort of behaviour is brought under control so that nurses, in particular, will continue to be part of the nursing profession in South Australia.

In October 2005, the Social Development Committee, of which I was a member, tabled the results of its inquiry into rural health. There were two recommendations which I moved and which were successful. They referred to the federal government, but I considered them to be very important, particularly for people in country areas. No. 11 was that the federal government give nurse practitioners a restricted provider number to enable them to order an appropriate range of investigative reports, and No. 12 was that the federal government give nurse practitioners limited and appropriate prescription rights for pharmaceuticals.

There was not a huge amount of publicity on this but, within a week of that report being tabled, the AMA contacted me seeking an appointment to discuss this, and it basically told me that the world as we knew it would fall apart if nurse practitioners were given these sorts of rights. My response to the AMA at the time was to say, 'Well, there are many parts of this state where we cannot get GPs to go because they are more comfortable practising in the metropolitan area, and I do not see why people in the country should be disadvantaged by the fact that doctors in some cases are opting for a more comfortable life. If we can have nurse practitioners with these sorts of skills and the wherewithal to exercise them and this can be a benefit for people in country areas, I am all for it.' It is interesting to reflect on the fact that here in South Australia, eight years on, we now have five nurse practitioners with these sorts of rights, and I think that is a very positive step forward.

I will return to the topic of midwives and say how important those sorts of rights are for them. When midwives are working with mothers, there are some conditions that are very common amongst women who are pregnant, such as anaemia. How silly it is—and expensive for our whole health system—to require those women to go back and see a GP in order to get a referral for a pathology test to check whether they are anaemic. It is time wasting and not cost effective to be paying out for a GP or an obstetrician when a midwife should be able to order exactly the same test.

We have two classes of nurse in this state—enrolled nurses (ENs) and registered nurses (RNs). ENs make up about 20 per cent of the nursing workforce and, until about the mid 1980s, many of them were trained within the hospitals (on-the-job training). Registered nurses are the university-trained nurses. Any new ENs are those who go to TAFE and do an 18-month course or do a course with other registered training organisations. I know that TAFE SA offers an 18-month Diploma in Nursing.

In regard to salary, no matter how many years of practice they have under their belt and how much expertise they have, a top-of-the-range EN cannot earn more than $45,000. By contrast, a level 5 RN can earn more than $80,000 per annum. I know that a registered nurse does 18 months more training than an EN, but I question whether that 18 months extra training justifies an extra $35,000 a year in pay. To use a military term, the ENs are the 'grunts' of the nursing system. They are the ones at the coal face. They are the ones who empty the bedpans or walk around the Women's and Children's Hospital jiggling a snotty-nosed crying baby to try to pacify it and put it to sleep. The RNs direct the ENs. They work out patient care programs and have much more paperwork to deal with than an EN, but I wonder whether the different type of work justifies this level of stratification, especially in relation to pay.

The switch to university training for RNs was part of a very well orchestrated industrial campaign in the early 1980s to give more nurses greater professional standing—and, of course, if you have that greater professional standing you get increased pay. However, that process advanced one group of nurses to the detriment of another group of nurses. I am aware that, in many cases when the RNs complete their training and come into the workforce, very often the ENs who are being supervised by the RNs have to tell the RNs how to supervise them and what their instructions have to be.

There is certainly a public view that there needs to be a return to at least some of the on-the-job training that the pre-1980s system produced. There are definitely some failings of the university system in terms of the people it excludes. The cost of university study can be quite prohibitive. For some people, just in terms of where they come from in society, the whole concept

of going to university is simply not within their way of thinking. There are many Aboriginal girls and women who would never see it as within their capacity, either financial or intellectual, to take themselves off to university to become a registered nurse.

I query whether the pecking order that exists within the system now between RNs and ENs is justified. At the present time there is no value given to enrolled nurses as educators and no recognition given to them in terms of the mentoring that they can do, particularly with the new registered nurses as they first come into the system. Maybe we need to create a new class of administrative nurse—the type who will do all of the filling out of forms and develop the patient plans, and that sort of thing. I question whether an ability to fill out forms makes one nurse more important than another type of nurse who does the face-to-face nursing.

I have not received any correspondence on this bill and, in particular, I would have been looking for correspondence from midwives about any concerns they might have. I spoke to one midwife a few days ago and asked whether they had any concerns with it, and she said: no.

In closing, I indicate that I welcome this bill because of the positive steps it takes to recognise the professional status of midwives. It has taken 10 years to get to this point—and that is 10 years too long. I salute the midwives of this state who lobbied back in the 1990s to get their professional recognition in legislation; and even when it did not come with the current Nurses Act they did not give up but, rather, kept lobbying. In no small way the legislation before us today is a tribute to the gutsiness and determination of the midwives of this state, and I congratulate them. It is with great pleasure that I indicate my support for this bill.

Debate adjourned on motion of Hon. T.J. Stephens.

LONG SERVICE LEAVE (UNPAID LEAVE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 332.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (18:16): On behalf of the opposition I rise to indicate that the opposition supports this bill, which is a relatively simple change to the act and which erases the ambiguity and clarifies the method for calculation of long service leave entitlements. There are three main aspects to the bill. Unpaid leave is ignored in the calculation of long service leave entitlements and paid leave is included in the calculations where a three-year averaging period applies and a rolling average method of calculation is adopted. The member for Morphett in another place (Dr D. McFetridge) was brief in his comments on this measure, and I wish to touch only on the main facets of the bill.

Payments for long service leave are already calculated, depending on the worker's ordinary weekly rate of pay at the time that the leave is taken. In many circumstances that rate has fluctuated over time and, as such, an averaging provision applies. Troubles have arisen from the current legislation when periods of unpaid leave have been included in the averaging period, thus creating an unfair financial penalty for the employee. The bill clarifies that where someone is paid on commission or has had a variation in the ordinary weekly hours, a 12-month or three-year averaging period is used, respectively. Previously, calendar rather than service periods have been taken into account.

I have been advised by the departmental staff that stakeholders are happy with the periods and see no need for review. Under the bill any periods of unpaid leave would be omitted from the relevant time frame, thus more accurately reflecting a person's employment profile. Unpaid leave is not defined in the act and it has become an accepted term of which the concept, no doubt, will evolve over time—hopefully, with some commonsense prevailing.

A positive aspect of the bill is that its implementation relies only on the current accounting records. One may ask why the total working records are not being taken into account. Understandably, this would place a significant burden on employers when calculating entitlements. I think this bill will be a positive move for the majority of workers, given that an employee is more likely to begin employment with a company on a casual basis and perhaps at a lower level of pay and progress through to more senior positions or possibly executive positions later in their employment. Therefore, when it comes time to award an employee with long service leave entitlements, this system is more likely to provide a more accurate financial benefit.

My colleague in the House of Assembly consulted widely with a range of industry stakeholders, including SafeWork SA, SA Unions, Business SA, the South Australian Wine Industry

Association, Engineering Employers Association, Masters Builders Association, Motor Trades Association, Farmers Federation, Shop, Distributive and Allied Employees Association, Australian Workers Union, Australian Services Union, Public Service Association, Liquor, Hospitality and Miscellaneous Union and the Transport Workers Union.

Other stakeholders were consulted, including the public sector workforce, employer and employee associations, and the Construction Industry Long Service Leave Board. The Crown Solicitor's Office also had discussions with the member for Morphett. Members can see that extensive consultation took place, as well as contact with the shadow minister in another place. On behalf of the opposition in the Legislative Council, I support the bill and commend it to the council.

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

LIQUOR LICENSING (POWER TO BAR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 379.)

The Hon. A. BRESSINGTON (18:21): I rise briefly to indicate that I will be supporting the second reading of this bill. I met with the Commissioner yesterday and had a briefing with him. I can see absolutely no problems with this bill going through as it is. I indicate that I am pleased that some action is being taken to give bar workers and hotel owners some increased support to be able to bar problematic people for more than six months at a time if necessary, and that we will now have police involvement in that process.

I know that I have raised this issue on many occasions, but when I was working in hotels, especially in front bars, it could get quite scary at times. As a manager or duty manager of three different hotels, I was required to ask people to leave. On two occasions these people were associated with motorcycle gangs; and, as members can imagine, it was not a pleasant experience. There was no back-up for me in terms of police or anyone else to help us remove these people. On two occasions even the bouncers in the hotel were reluctant to get involved.

All I can say is that I am very pleased. I believe this piece of legislation will also tie in with the Serious and Organised Crime (Control) Bill. I urge other members to support this bill to give hotel owners and workers the support they have needed for many years.

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

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (18:24): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill will prohibit the supply of lightweight plastic bags to reduce littering, prevent environmental harm and improve resource efficiency.

The estimated national consumption of plastic bags for 2007 was 3.93 billion of which 40 million were estimated to have ended up as unsightly litter on our beaches, and in our parks and streets. They also kill marine life and damage waterways on land. Most go to landfill where they take many years to break down. In comparison with reusable 'green' bags, lightweight plastic bags have been found to be less efficient in terms of resources used for manufacturing, embodied energy, contribution to global warming, and primary energy used.

The former Governor in her speech to open Parliament on 27 April 2006 stated that 'South Australia has set the pace nationally by announcing the abolition of single-use plastic shopping bags from the start of 2009.' A voluntary scheme to reduce the use of plastic bags has only been partially successful while attempts at agreement on a national regulatory approach have not been realised. Whilst South Australia cannot solve the plastic bag problems of the entire nation, we can show leadership 'in our own backyard' by preventing retailers from supplying lightweight plastic shopping bags to customers. The ban will not prevent retailers from providing customers with plastic bags that are biodegradable in accordance with the relevant Australian Standard.

The Bill describes the product to be regulated (plastic shopping bags) and the policy objective (avoidance of waste). The Bill provides that a retailer must not provide a plastic shopping bag to a customer as a means of carrying goods purchased or to be purchased from the retailer. The Government's intention is that this prohibition will come into effect on 4 May 2009.

Bags that would be subject to the ban are those made from polyethylene, that are used or intended for use for the carrying or transporting of retail goods, that have handles, and that are less than 35 microns in thickness. Other thicknesses or types of bag could be prescribed by Regulation in the future to ensure that the intent of the Bill is preserved.

Barrier bags will be excluded from the ban. These are bags without handles, typically presented on a roll in retail outlets, which are used to hold un-packaged foods—e.g. loose fruit and vegetables, nuts, breads, and cakes and products that may leak or contaminate other foods if not placed in a barrier bag. Boutique-style reusable plastic bags are also excluded from the ban. These are not subject to the ban because they are made of a heavier material than conventional shopping bags, and are designed to be reused on a number of occasions.

The ban will occur following a transitional period. The intention is for the transitional period to begin on 1 January 2009. The transitional period has been requested by retailers to overcome challenges associated with introducing an absolute ban in the Christmas retail period. During the transitional period, retailers who supply plastic bags will also be required to supply alternatives. This will provide consumer choice and ensure that retailers are adequately prepared for the introduction of the ban. The types of alternatives that would be stocked are prescribed as either being biodegradable (designated as compostable through testing against the Australian Standard) or reusable, that is, designed for regular use over a period of approximately two years.

Signage requirements will apply during the transition phase, from 1 January 2009. Signage requirements will be prescribed by regulation, requiring notification of a prescribed size, to be displayed in a prescribed locality within retail outlets. The signage will remind customers that a plastic bag phase out is in place, and notify customers that alternatives to plastic bags are available.

A public information and educational program will be undertaken in the lead up to the ban coming into place. Consumers and businesses will be targeted, to assist in managing all the impacts of the phase out. Occupational Health, Safety and Welfare education will be included to assist retail staff to be ready to manage alternative shopping bags.

A Plastic Bag Phase Out Task Force has been established chaired by Zero Waste SA, which comprises representatives from the Environment Protection Authority; Restaurant and Catering SA; Keep South Australia Beautiful; the State Retailers Association; the Local Government Association; the Consumers' Association of SA; the Conservation Council; the Shop Distributive and Allied Employees' Association, and the Hardware Association of SA. Throughout the lead up to the phase out, the Task Force has advised the Government of impacts on industry.

Offences apply to retailers who provide plastic shopping bags to consumers following the introduction of the ban. Retailers have a defence where it can be shown that the retailer had reasonable grounds to believe that the plastic shopping bags were not of a type prohibited by the legislation. An additional offence applies to persons who supply, sell or provide plastic shopping bags and represent that these are not plastic shopping bags. The Bill allows for maximum penalty of $20,000 (supply offence) and $5,000 (retailer offence) and an expiation fee of $315 (for the retailer offence only). Compliance will be undertaken by the Environment Protection Authority.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for operation of the measure to commence on a day to be fixed by proclamation.

3—Interpretation

Clause 3 provides definitions of a number of terms used in the measure.

An *authorised officer* is a person who is an authorised officer for the purposes of the *Environment Protection Act 1993*. A *biodegradable bag* is a carry bag comprised of material of a type that has been assessed and tested in accordance with Australian Standard *AS 4736/2006* and can be designated as 'compostable' in accordance with that standard. A carry bag with handles is a *plastic shopping bag* for the purposes of the Act if the body of the bag comprises (in whole or part) polyethylene with a thickness of less than 35 microns. Other kinds of bags may also be brought within the definition of 'plastic shopping bag' by regulation. Biodegradable bags, and plastic bags that constitute, or form an integral part of, the packaging in which goods are sealed prior to sale, are not plastic shopping bags. The regulations may exclude other bags from the ambit of the definition of 'plastic shopping bag'. The *prescribed day* is a day prescribed by regulation. This will be the day on which the prohibition against the supply of plastic shopping bags under clause 5 will commence.

4—Retailer must provide alternative shopping bag until prescribed day

During the period beginning on the commencement of clause 4 and ending on the day before the prescribed day, retailers who make plastic shopping bags available to customers as a means of carrying purchased goods will be required under this clause to also be in a position to provide alternative shopping bags. An alternative shopping bag is a carry bag that is a biodegradable bag or is designed to be used on a regular basis over a period of approximately 2 years. The regulations may bring other kinds of carry bags within the ambit of the definition of *alternative shopping bag*. Retailers will not be prevented from charging a fee for the provision of an alternative shopping bag.

Retailers will also be required to display a notice, or notices, in compliance with requirements specified in the regulations.

The maximum penalty for a failure to comply with these requirements is a fine of $5,000. An expiation fee of $315 is also included.

5—Retailer not to provide plastic shopping bag

If a retailer provides a plastic shopping bag to a customer as a means of carrying goods purchased, or to be purchased, from the retailer, the retailer is guilty of an offence. However, if the retailer proves that he or she believed on reasonable grounds that the bag was not a plastic shopping bag, he or she has a defence to the charge of the offence. This prohibition has effect from the prescribed day. The section applies whether or not a fee is charged to the customer for provision of a plastic shopping bag.

The maximum penalty for a breach of the section is a fine of $5,000. An expiation fee of $315 is also included.

6—Person must not represent that supplied plastic shopping bag is not a plastic shopping bag

A person who sells, supplies or provides a bag to another person knowing that the bag is a plastic shopping bag is guilty of an offence if he or she represents to the other person that the bag is not a plastic shopping bag. The maximum penalty for the offence is a fine of $20,000.

7—Interaction with Environment Protection Act

The *Plastic Shopping Bags (Waste Avoidance) Act 2008* and the *Environment Protection Act 1993* are to be read together and construed as if the two Acts constituted a single Act. This clause authorises authorised officers to exercise their powers under the *Environment Protection Act 1993* for the purposes of the administration and enforcement of the *Plastic Shopping Bags (Waste Avoidance) Act 2008*.

8—Review of Act

This clause requires the Minister to appoint a person to prepare a report on the effect on the community of section 5 and the extent to which the Act has been effective in restricting the supply of plastic shopping bags. The Minister may also require the person to report on other matters determined by the Minister to be relevant to a review of the Act. The person who is to conduct the review must be appointed as soon practicable after the second anniversary of the prescribed day and must report to the Minister within six months of his or her appointment. The Minister is required to have copies of the report laid before both Houses of Parliament.

9—Regulations

This clause provides a power for the Governor to make regulations contemplated by, or necessary or expedient for the purposes of, the Act.

The regulations may exempt specified persons or classes of persons from the operation of the Act or of a specified provision of the Act.

Debate adjourned on motion of Hon. D.W. Ridgway.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (CLASSIFICATION PROCESS) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 18:26 the council adjourned until Wednesday 29 October 2008 at 14:15.