LEGISLATIVE COUNCIL

Wednesday 13 May 2009

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:19): I bring up the 19th report of the committee.

Report received.

The Hon. J.M. GAZZOLA: I bring up the 20th report of the committee.

Report received and read.

The Hon. J.M. GAZZOLA: I bring up the 21st report of the committee.

Report received and read.

PORT LINCOLN

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: Port Lincoln City Council is currently undergoing a process to update the development plan for the city centre that includes the foreshore. Part of this process includes adopting height limits for developments along that foreshore. The key component of the DPA is the replacement of the city centre zone with a regional town centre zone, and the inclusion of four policy areas within that zone providing for height limits of three, five, seven and 12 storeys.

The DPA was placed on interim operation at the commencement of the consultation period in order to prevent development contrary to the intent of the development plan amendment during the consultation stage. It is going through an extensive consultation process, including the opportunity for public comment, and the council has now submitted the development plan amendment for my approval.

I have recently received separate letters from the council and from the mayor of Port Lincoln, Peter Davis. The mayor requests further community consultation on the DPA, especially in relation to building heights, although the letter from the council chief executive officer, Geoff Dodd, endorsed by the full council, requests consideration be given to approval of the DPA as presented. While most of the buildings on the foreshore are now two storeys or lower, there are currently no—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I did say most; that is the only new one. There are currently no height limits in the existing development plan for the city centre zone. Given the contradictory advice I have received from the council and the mayor, as well as community concerns reflected in a petition of 3,000 signatures opposed to the new height limits proposed in the development plan amendment, I have decided to refer the matter to the independent Development Policy Advisory Committee. I have informed DPAC of my decision, and it has advised that it will consider the matter at its 20 May meeting. If the members consider it appropriate, they may recommend holding a further meeting to hear public presentations. I trust that DPAC, through its deliberations, will be able to advise me on a suitable course of action. I await the committee's independent advice.

QUESTION TIME

FREEDOM OF INFORMATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Leader of the Government a question (which he may choose to refer) about freedom of information.

Leave granted.

The Hon. D.W. RIDGWAY: At the time of preparing this question, an article entitled 'Three streets earn $3 million in speeding fines' appeared on *Adelaidenow*. The article listed South Terrace as the highest speeding revenue earner for the 2008 calendar year, at—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Can I have the clock reset?

The PRESIDENT: No, you cannot.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President. Indeed, the article had been based on a media release issued by the Minister for Police today. The release, entitled 'State's top twenty speeding hotspots revealed', concludes with a table showing the street and suburb location of speed cameras alongside the amount earned in 2008.

The table was familiar to me because, late last week, I had received it in response to a freedom of information request that I had lodged in January last year. That request was for the top 20 positions of mobile speed detection cameras, listed in order of the most revenue generated, including the amount of revenue generated from each of those positions for a set period, and I am happy to table the response I received last week, which is an exact copy of what was issued in the press release issued by the minister today.

I am aware that my colleague the Hon. Robert Brokenshire raised this issue recently. Section 32 of the Freedom of Information Act states that an application must be dealt with on behalf of an agency by an accredited FOI officer of that agency. In accordance with that section, I presumed that my application directed to SAPOL would be dealt with exclusively by SAPOL, with no consultation with the Minister for Police. In fact, in March this year, the Leader of the Government said in response to a question asked by the Hon. Robert Brokenshire that, if some information is held within the minister's office, the minister would know that the request existed.

I am confident, with regard to this particular request, that the information did not reside within the minister's office. I further note that, around the same day I received the information relating to this request, I received further information from SAPOL listing our state's top 25 black spots from January 2006 to December 2008. This information indicated that North Terrace (the road out the front of Parliament House) is the state's number one black spot. My questions are:

1. Why did the police minister have access to the information gathered for a freedom of information request (which is evident in today's media release) when the request was not directed to his office?

2. Given the minister's obvious access to this FOI information, why did he not state in today's press release that North Terrace is the most dangerous street in Adelaide?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:28): Again, it seems to be rather extraordinary that what the Leader of the Opposition is effectively putting up is that ministers should not have access to information within their departments, and I find that extraordinary. As the honourable member said, the Hon. Mr Brokenshire asked a question on this some time ago, and I made the following point then: is the purpose of freedom of information to give some magical, mythical cover to the information provided so that it will provide greater media interest than the information would otherwise give? Why is it that the honourable member has some concern that ministers should be releasing information?

It is appropriate that ministers should have access to all information within government. What is the purpose of having ministers in government? Is the honourable member seriously suggesting that there should be some information in government that is available only to opposition members or people who seek it? The fact is that government should have access to information, and I would expect that any agency that is releasing information would inform the minister's office of what is happening. Surely, if information is being released, the minister's office should be aware of it. They should not be able to interfere in what is provided, but surely they are entitled to know what information is being publicly released, and I would expect that any agency would do so. I really do not think much more needs to be said than that.

FREEDOM OF INFORMATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I have a supplementary question. Why did the police minister release this newsworthy information, as the minister said, on the night of the federal budget?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:30): If anyone ever doubted that we had an opposition that is totally obsessed with media coverage, it has been given away in question time today. They are saying why he should do something on a particular date. Does this parliament exist for the benefit of the media? Are we secondary to the media? Do we have to worry about what might happen in the media? I suggest that this parliament and the government should be able to make their own decisions, regardless of the media, about what information we release and when.

ELECTRICIANS, LICENSING

The Hon. J.M.A. LENSINK (14:30): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about electrician licensing.

Leave granted.

The Hon. J.M.A. LENSINK: I have been contacted by a constituent who feels that he has been given unnecessary hurdles to jump in applying for an electrician's licence. He was an apprentice electrician in the 1960s and completed the theory component of the qualification through an electrical trade school which no longer exists. To prove this qualification as an electrical mechanic, he has a certificate with a parchment and a subject transcript acquired recently through TAFE SA, which took over all the records when the electrical trade school closed.

When this gentleman first visited the Office of Consumer and Business Affairs with a certificate of qualification, he was told he needed a transcript of completed subjects from the training provider, which is when he approached TAFE. On his second visit to OCBA, he was told that he required a certificate stating that he completed at least three years of the apprenticeship and a certificate for the wiring rules exam. To date, he has not been shown a list of criteria for applying for the licence.

Can the minister please outline the criteria for a person in this gentleman's position, whose time has elapsed between completing the apprenticeship and the application, in order to successfully achieve the licensing requirements?

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink has the floor.

The Hon. J.M.A. LENSINK: Furthermore, will she instruct the Office of Consumer and Business Affairs to make sure that it is giving clear directions to people applying for a licence?

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) (14:32): I thank the honourable member for her important question. I know that this has caused some degree of anxiety and stress amongst electricians and other licensed tradespeople. Qualifications are updated from time to time to ensure that appropriate skills and knowledge are taught to tradespeople on whose work our lives, safety and wellbeing often rely. As we know, none of us want a house fire in the middle of the night because of some bad wiring or similar faults or breaches.

These qualifications are all about ensuring that our tradespeople meet contemporary standards, and they do that through a series of qualifications that they are required to meet and through on-the-job training and experience. In terms of the articulation between old qualifications and new qualifications, because they do change and evolve over the years, as they should, my understanding is that—and I can clarify this—TAFE does those assessments.

TAFE looks at the curriculum, the previous qualifications achieved, previous experience and length of experience in the industry, the type of work that was done and in which sector of the industry people worked. They look at those things and accredit accordingly in terms of acknowledging accreditation of past qualifications and experience. That is a matter for an educational expert; it is not something that I, as minister, would do. I do not have the skill and expertise to do that, and it is certainly way outside my responsibilities as minister.

My responsibility is to make sure that here, in South Australia, contemporary standards and qualifications are set and that they are adhered to and reviewed from time to time as needed.

I certainly believe that I fulfil those responsibilities with a great deal of diligence and conscientiousness. In terms of the qualifications of this particular person, I do not have those details. I am happy to receive those from the honourable member. I am happy to have the department look at those and ensure that the appropriate education authority assesses them to see that all accreditation and acknowledgment of existing qualifications and experience are accredited in an appropriate way and that this person is assessed as to whether they are fit for their licence.

RESIDENTIAL DEVELOPMENT CODE

The Hon. S.G. WADE (14:35): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the residential code.

Leave granted.

The Hon. S.G. WADE: In a letter to the Premier dated 8 May 2009 and copied to the minister, the City of Mitcham highlighted the apparent conflict between the residential code and stormwater and groundwater sustainability. The council's letter states that the code increases the automatic right of built site coverage from 40 or 50 per cent to 60 or 70 per cent, depending on the size of the allotment. The council's letter raises concern as to the impact of the code on, first, the long-term sustainability of stormwater management; and, secondly, the reduction of permeable land lowering groundwater levels impacting on street trees. My questions to the minister are:

1. What steps did the government take in the development of the residential code to assess the impact of the code on the catchment, including stormwater and groundwater?

2. Can the minister advise the council what impact there will be on stormwater and groundwater and the basis for his assessment?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:36): It really is drawing a very long bow to suggest that the Residential Development Code is central in some way to groundwater. I think we know that, more than any other, Mitcham council has been opposed to any form of codification or, indeed, virtually any change at all in relation to development. I think that would be a fair judgment. I think that council has a reputation of one of two councils which is most resistive of any change.

Of course, the alternative is that one does not have a residential code and one does not have policies which encourage density. I point out that I have made it clear from the day we introduced it that the residential code in itself is a policy that is neutral in relation to urban density. It is not a policy which is meant to promote urban density as such; it is a policy to improve the planning system. We would expect that at least 70 per cent of all the developments that would take place under the residential code would be the sort of straightforward development applications that would be and are being approved now throughout most of metropolitan Adelaide.

If one takes the attitude as some councils do (and elements of Mitcham council do) that one is opposed to any further densification of the metropolitan area, the only alternative really is urban sprawl. If one believes that promoting urban sprawl is good for the environment in a whole range of ways, I would strongly argue that that is not the case. What we are trying to do with our plan for Greater Adelaide is to ensure not only that we do have a proper water sensitive urban design incorporated within our developments but also that we make sure that we have greater efficiency in the use of our infrastructure. That would mean more energy efficiency with better transport planning by trying to get our growth along corridors, which means less reliance on motor vehicles, less consumption of fossil fuels and the like.

What we are attempting to achieve in our 30-year plan is a much better integration of energy efficiencies, of water sensitive urban design and other factors within our planning system, and the residential code is but one part of those. All the government's land releases—and one could name Mawson Lakes, Seaford, Meadows, Lochiel Park and Blakeview as examples—incorporate stormwater harvesting measures at the land division stage, and that is where it is most important.

One might have development that covers a large element of the block. That means there will be more runoff, but, providing that water is collected and providing you have at the subdivision

stage proper planning, you will be able to collect that water and make sure that you make greater use of stormwater. That is an underlying principle of development within our new developments.

The government is also exploring further integration of water sensitive design through the Water Sensitive Urban Design project. I hope that when the Greater Adelaide plan is released within the next month or so there will be much more information on this, and the honourable member will be able to see for himself the significant amount of work that has been done over quite a long period of time, going back years, in relation to achieving this.

The recently announced planning reforms also seek to further improve the energy and water efficiency of individual buildings through the building code. That has to be part of it. The key point is that we need to increase the density of development in Adelaide, otherwise our city will sprawl unacceptably into places such as the Barossa Valley and McLaren Vale. This government is determined that that will not happen. We are committed to some containment, but the only way that we can realistically achieve that and the growth of the city at the same time is to ensure that we incorporate the redevelopment of our city within corridors. The target of our planning is that up to 70 per cent at the end of the period would be by way of infill or high rise rather than through greenfield development. That is necessary to achieve our objectives.

In relation to the capture of stormwater and maximising potential stormwater harvesting, there are a number of techniques that one can use to achieve that. It is not just the ground coverage, but clearly it is a matter of ensuring that at the land division stage you are able to effectively capture and store that stormwater.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: We have been planning it for years. All the Liberal opposition did—

Members interjecting:

The Hon. P. HOLLOWAY: Just the other day—and I wish I had brought this in with me—I was clearing out some old books and I discovered the water plan for 2000, which was put out under the then Liberal government. It was very interesting. I thought I would have a look and see what its vision was 18 months before the election in relation to stormwater. I will share this with the council. I think the idea was that by about five years later it would have some plan developed. It also stressed that it was a local government responsibility.

I will have more to say about that on another stage, but it just indicates what frauds these members opposite are in relation to stormwater harvesting. Clearly, if we are to better use stormwater in this state, we have to study the aquifers and get all the information necessary to know where it is appropriate to reuse stormwater.

To get back to the honourable member's question in relation to the residential development code, I believe the influence of the code is essentially peripheral in relation to issues of stormwater management. There is a whole range of other options, particularly those incorporated into the land division stage, which are much more effective for harnessing stormwater than the impact of a residential development code, which in the vast majority of cases where it is applied will simply approve developments which, under the previous system that existed before the code was introduced, would have received approval anyway.

RESIDENTIAL DEVELOPMENT CODE

The Hon. DAVID WINDERLICH (14:44): Did the residential development code include an assessment of its impact on stormwater?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:44): The honourable member simply repeated the last question. I am happy to go through it all again if he does not understand it. I said that the government has been studying water sensitive urban design and that the residential code is neutral in relation to its impact on density. In fact, I repeat the point I just made: the vast majority of dwellings which will be approved under a residential code are those which would have been approved previously anyway; it is just that it will take longer and cost the applicant much more money. The whole purpose of the residential code is to get those straightforward applications out of the system.

To suggest that coverage on houses should be absolutely central to our planning policy is a nonsensical proposition; a whole range of issues is important. What we know about stormwater is that the best way—

The Hon. D.W. Ridgway: But you do nothing about it.

The Hon. P. HOLLOWAY: We do a lot about it. One of the great pieces of mythology is a document the Liberal Party put out on its website 18 months ago that borrowed liberally from government documents. The whole Liberal policy is littered with information issued by this government through its Water Proofing Adelaide strategy.

This government has been doing a lot of work in relation to stormwater and, what is more, we have been funding not only stormwater but also other elements of re-use. What is unique about the opposition is that it proposes that we should be the first place in the world actually to drink it. Its policy is unlike that of everywhere else in the world: it suggests that we should drink stormwater.

This government believes that stormwater has its place, but one has to be very careful, given the toxins, the petrol, the chemicals and so on that wash off the road, what one does with that water. There is a big difference between the stormwater run-off in the Adelaide Hills, in protected catchments that go into our reservoirs, and the stormwater on the streets of Adelaide.

Members interjecting:

The Hon. P. HOLLOWAY: We have been harvesting stormwater ever since the state was founded, but there is a difference between doing it in enclosed catchments, where water quality is guaranteed, and doing it in the streets where, if it has not rained for a long time, you get oil and all sorts of chemicals. One has to have a balance in how it is used, and this government has been doing all that.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I am sure that, when this government releases its water security policy in the near future, it will be a revelation to members opposite, as well as to members of the public, as to just how much this government has done. It has done an enormous amount of work on planning in relation to water sensitive urban design, but the residential development code is quite marginal, peripheral and, one could say, almost negligible in relation to any impact it would have compared with what happened previously in relation to stormwater issues. There are much more important issues than that—and they are where this government has put its focus.

BUCKLAND PARK

The Hon. R.P. WORTLEY (14:48): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the proposal to develop a country township to meet the growing need for residential housing in Adelaide's north.

Leave granted.

The Hon. R.P. WORTLEY: A proposed $2 billion residential project at Buckland Park is currently being considered under the major development assessment process—the most stringent available under this state's development laws. The environmental impact statement provided earlier this month by the Walker Corporation seeks to address more than 100 issues outlined by the independent Development Assessment Commission in its guidelines to the proponents. Covering an area of approximately 1,340 hectares, the proposed township, sited four kilometres west of Virginia, comprises a district centre and four neighbourhood centres and local centres that include commercial facilities, a medical centre, schools and community and recreational facilities.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: I believe that in future this will probably be the centre of a new safe Labor seat. If those opposite cannot hand their seats to their kids, they can at least name a new seat after them. I note recent comments made by property developer Lang Walker—

Members interjecting:

The Hon. R.P. WORTLEY: I just hope Hansard can hear what I am saying. A proposed $2 billion residential project at Buckland Park is currently being considered under the major development assessment process.

The Hon. T.J. Stephens interjecting:

The Hon. R.P. WORTLEY: Old 'pick me' Stephens. It's good to hear from you!

The PRESIDENT: So far we have managed three questions in 26 minutes. If members keep up this behaviour we will probably end up with only three more.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway has been most disturbing in question time today.

The Hon. R.P. WORTLEY: A proposed $2 billion residential project at Buckland Park is currently being considered under the major development assessment process, the most stringent available under this state's development laws.

The environmental impact statement provided earlier this month by the Walker Corporation seeks to address more than 100 issues outlined by the independent Development Assessment Commission in its guidelines to proponents. Covering an area of about 1,340 hectares, the proposed township, sited four kilometres west of Virginia, comprises a district centre, four neighbourhood centres and local centres that include commercial facilities, a medical centre, schools, and community and recreational facilities.

I notice recent comments by property developer Lang Walker, who said that he remains bullish about the South Australian housing market, despite the economic consequences of the global financial crisis. In fact, Mr Walker told *The Advertiser* that he expects a heck of a lot of long-term growth in South Australia, particularly within the resources industry during the next five to 10 years. My question to the minister is: how will the Buckland Park township meet some of the demand challenges facing Adelaide, and what steps have developers taken to address some of the environmental, social and economic concerns raised about the project, and is the minister aware of any alternate views?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:52): It is a pity that members opposite did not pay attention to the question. If they did, we might have more questions. The Buckland Park township proposal was declared a major development back in December 2006, and this declaration was revised in June 2008 after the Walker Corporation advised me of its intention to increase the size of the proposed development. This prompted the Development Assessment Commission to revise its guidelines for the environmental impact statement required as part of the process of determining the suitability of this project.

At the heart of the proposal is the creation during a 25-year period of a satellite city outside the urban growth boundary that will create a new community to the north of Adelaide. That is quite a commitment which requires quite a deal of forward planning and which represents a major investment in South Australia's economic future. However, a project of this scale and in this location is not without significant challenges, and that is why the Development Assessment Commission set out a large number of issues that needed to be addressed in the environmental impact statement. These include water management and transport.

A key element of the proposal is efficient water management and flood mitigation through the use of wetland and creek systems, aquifer recharge, utilisation of treated water from the Bolivar pipeline, and integration with the Gawler River management and flood plain mitigation works. Having completed a realignment of the urban growth boundary in December 2007, and having commissioned an examination of township boundaries as part of the 30-year plan for greater Adelaide, I assure members that identifying areas for expansion, while ensuring that the community's legitimate demands for public infrastructure accompany that, is quite a balancing act.

South Australia needs more housing lots and, at the same time, our metropolitan boundaries are under great pressure. Adelaide, due to its geography, is squeezed between Gulf St Vincent to the west and the hills face zone to the east. In the south and north there is also pressure to preserve land for our premium wine industry within the Barossa Valley and the Southern Vales, and to retain our tourist potential along the coast.

While this government continues to look for opportunities to open up land for residential development within the existing urban growth boundary, the sheer pace of population growth

means we have to look for alternatives. The north of Adelaide continues to be the main provider of new land for residential housing, and that is why it makes sense to at least consider a project such as Buckland Park.

The environmental impact statement for the Buckland Park country township is now available for public consultation. The EIS is required to address all the sensitive issues associated with this project, such as the potential impact on the Gawler River flood plain. Members of the public, government agencies, community groups and local councils are invited to consider the EIS and lodge submissions that must be considered by the proponents of the project.

The EIS seeks to address matters such as potential flooding issues; infrastructure issues (including water, sewerage, stormwater and public transport); water use issues (supply, impacts on groundwater, water reuse and harvesting); possible construction and ongoing impacts on the local environment, including waterways; impacts on and from adjacent industries; and demands on community services.

The six-week public consultation period runs until 15 June, with submissions to be lodged by 5pm on that day with the Department of Planning and Local Government. A public meeting organised by the department is to be held on 13 May at 7pm at the Virginia Horticultural Centre. Following the consultation period, Walker Corp is required to prepare a written response document (also known as a supplementary EIS) that will address matters raised in the public submissions lodged with the department. The EIS and more detail about the major development assessment process can be found online at the Department of Planning and Local Government website.

The honourable member asked me whether I am aware of alternative points of view when it comes to considering alternatives to further expansion of the urban growth boundary. In fact, I am. I know that some people in this place are ideologically opposed to any development but, rather than take part in informed debate, they seek to denigrate a proposal such as Buckland Park with such emotive terms as 'ghetto' and 'out in Woop Woop'.

As the assessing authority, I am not here to defend or detract from the project, but I would expect that debate during the public consultation period would at least be based on informed consideration of the contents of the EIS, rather than tawdry sloganeering. For starters, the description of this project as a 'ghetto' is a slur on people who rely on high density affordable housing to get a toehold on the property ladder.

Mr Parnell would have us believe that, if you set aside 15 per cent of the new development for affordable housing, you are setting out to create a ghetto. I believe that is an outrageous slur on the hard-working families who simply cannot afford a huge mortgage in an established suburb but still want to invest their income in bricks and mortar rather than pay rent to a landlord or line up for public housing. While this development looks to embrace green building design and water management features, the project is dismissed out of hand by the Greens simply because it is not within walking distance of the CBD.

I heard the Hon. Mark Parnell describe this development as devoid of services. He appears to have ignored plans for a district centre, four neighbourhood centres and local centres that include commercial facilities, a medical centre, schools, community and recreational facilities within the township. While Buckland Park might be some distance from the Adelaide city centre, the proposed development is only four kilometres from the existing township of Virginia and also close to facilities at Elizabeth and Munno Para.

While Mr Parnell might be more comfortable sipping lattes in the inner city, not everyone in Adelaide journeys into the CBD for their job. In fact, one of the key reasons for the growing demand for housing in the northern suburbs is the new industrial estates around Edinburgh Park. That is where our industrial growth—our employment lands—is increasingly going to be based. In fact, our northern suburbs are a hub of activity, and that is partly due to the government's policies to encourage investment in the mining sector and to pursue lucrative defence contracts.

So, we are talking not about people seeking a daily commute from the north into the city but about a residential development catering for the growing demand for workers in the employment lands around the Edinburgh Air Force Base and Techport at Port Adelaide. In that case, public transport to a closer centre, such as Elizabeth, Salisbury or even Virginia, might be more practical and possibly make more sense than a commuter link to the city. These are issues to be determined as part of the EIS process.

I know that some members think the government should exercise its early 'no' at every opportunity when it comes to major developments, but that is not the policy of this government. The major development process allows the proponent to argue its case through an environmental impact statement, which then informs further debate and responses from relevant government agencies, such as the EPA and DTEI. When those responses as well as submissions from the public are in, the government can then properly assess the project and determine its position. This need not be simply a yes or no. It is within the power of the Governor to impose conditions on any approval that ensures the proponent delivers on the outcomes sought by the community and the various government agencies.

My comments today should not be seen as pre-empting the decision on this major development; rather, simply as a call for critics to base their arguments on the facts. People should base their arguments on the facts and not on an ideology that is opposed to development in any shape or form.

BUCKLAND PARK

The Hon. M. PARNELL (15:00): I have a supplementary question.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. PARNELL: Is the minister aware that the former head of Planning SA, ex director Stuart Hart, said, in *The Adelaide Review* a year ago, before this project had doubled in size, that the Buckland Park proposal was located on land totally unsuited for urban development? What does the minister say to those comments from the former head of his department?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:01): I think Mr Hart prepared the report for Adelaide back in the late 1960s; this government is more interested in preparing policies for the 21st century.

BUCKLAND PARK

The Hon. J.S.L. DAWKINS (15:01): I also have a supplementary question. Does the minister's department, the Department of Planning and Local Government, plan for the Buckland Park community to have its own new local government area, or does it plan for it to remain in the City of Playford? The City of Playford is, of course, being kept out of the loop on this matter.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:01): It is not being kept out of the loop on this matter. This is a major new development, and it is being considered as a major project. It is not as though we are talking about a whole new centre.

We are now going through a public consultation phase. As I mentioned, a public meeting, which has been well advertised, is planned for this evening and the council will be part of that. The question should really be whether the City of Playford is in the best position to consider the environmental issues associated with this development in relation to the flooding around the Gawler River. I suggest it is not, and that something like this is appropriately addressed as a major development so that those major issues can be addressed.

Again, I suggest that the debate take place within that environmental impact statement, which covers all these major issues. That would not have been the case if this had gone ahead as a development proposal at local government level; these major issues, which have been raised by others, would not have been considered and there would not be a comprehensive report on which to consider them.

BUCKLAND PARK

The Hon. M. PARNELL (15:03): I have a further supplementary question. How does the Buckland Park development fit in with the government's commitment to transit-oriented development when the first bus will not go in until 2022 and, at the completion of the project, with 33,000 people, fewer than 5 per cent of trips will be by public transport, according to the proponents' own EIS?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:03): The honourable member has at least read the EIS and I look forward to his submission, because they are exactly

the issues that need to be considered as part of the EIS. I am pleased that, with his supplementary question, the honourable member is talking about information from the EIS rather than criticising it as being a ghetto, as well as the other criticisms he mentioned. They are exactly the issues that should be considered as part of the process. That is the sort of debate we should be having—not one-off slogans.

BUCKLAND PARK

The Hon. R.I. LUCAS (15:03): I have a supplementary question. Has the minister, or any of his ministerial advisers, had any discussion or contact with former senator Nick Bolkus in relation to this development?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:04): I fail to see how that relates to the question.

BUCKLAND PARK

The Hon. D.G.E. HOOD (15:04): I have a supplementary question. Does the minister agree that people who choose to buy land in a development such as Buckland Park can make their own assessment about whether or not they need a bus service or whether or not they need a vehicle? If they did need a bus service they would not buy in such an area.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:04): I thank the honourable member for his question. He raises the point that it is, after all, the consumers who should be able to choose, rather than have it dictated to them. The government, through its planning policies, is trying to make our city more efficient, and an enormous amount of work has gone into the 30 year plan to try to identify areas for land that will achieve a number of competing objectives. As I said, the fruits of that work will be released at some stage in the future, and the honourable member will just have to wait.

An honourable member: When are you going to release it?

The Hon. P. HOLLOWAY: I am not going to give the honourable member a date.

Members interjecting:

The Hon. P. HOLLOWAY: The challenge I will give to the Leader of the Opposition is: come up with your own policies. Opposition members access government reports and then they borrow them, like they did with their stormwater policy. They looked at Stormwater Adelaide and borrowed the whole lot. It was the greatest act of plagiarism you would ever see.

When we get this report, the honourable member will see—and he will get the report soon enough—the significant amount of work that has gone into identifying land with these competing interests. I thank the honourable member for his question, but the honourable member will see that we need a range of options for people because people will have different needs. Whatever we might think about density living within transient oriented developments, and so on, and whatever we think about particular styles of living, in high-rises or elsewhere, there will always be some members of our community who will prefer to live in outer suburbs where they have their own land.

The point I think the Hon. Mr Hood is making is that, ultimately, people should be able to make their own choice. We are attempting, through the 30-year plan, to encourage more dense development along corridors, and it is important that we do so. However, we need to accept that there will always be some people who will require a different type of development.

Remember that the growth in our city is much more modest than we are seeing in cities such as Brisbane and Perth, where every year there are an extra 80,000 people living in those cities. We are talking about growth rates that are only a fraction of that level but, nevertheless, even with those growth rates, we could still have another 300,000 or 400,000 people in this city within the next 15 or 20 years and, if we do, it is important that we accommodate those people with a range of options. Again, I can only say that people should read the EIS and, if they feel strongly about it, they should respond.

BUCKLAND PARK

The Hon. R.L. BROKENSHIRE (15:08): I have a supplementary question. Given that the government has now given the green light to the Buckland Park subdivision—

Members interjecting:

The Hon. R.L. BROKENSHIRE: —or is effectively intending to support the subdivision, in the event the subdivision is approved will the government now remove Bowering Hill/Port Willunga from deferred urban in the southern region?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:08): That really is rather a spurious supplementary question but, nonetheless, I will take it because, again, it brings up a whole lot of new issues. I do need to make the point that all the government has released is the EIS on Buckland Park, and there is a meeting about that tonight. It is appropriate that I, as the Minister for Urban Development and Planning, should ensure that that debate continues. My comments earlier today were aimed at ensuring that we have a balanced debate on this issue, not a debate based on emotive language.

It is not true to suggest that that proposal has been given the green light by the government; rather, the EIS has been released, and it has to go out for public comment. It will also receive comment from all the relevant government agencies to ensure that that EIS is satisfactory in terms of addressing those key issues identified by the Development Assessment Commission. The company will respond, and the matter will come back to government, and it will then be assessed and go to the Governor. So, there is a long way to go.

I just want to see that this is properly considered, because it is difficult to find areas of land around Adelaide where we can expand, and I think that is the point being made by the honourable member. He is suggesting that areas in the south should not be used for urban development. Wherever we go to propose new expansion of our city, people will find reasons why we should not develop in that area. That is really the dilemma we face, and that is why it is important to consider those areas.

In relation to Bowering Hill, I recently wrote to the Onkaparinga council, which sought my views on the future of that land, particularly given some comments that the Minister for Infrastructure had made. I have informed the council that that land will be looked at in the context of the importance of the wine industry to the Southern Vales region, and I said that any development that takes place on that land would be compatible with the interests of that industry. I am happy to supply the honourable member with a copy of that letter, which clarifies that position.

O-BAHN EXTENSION

The Hon. DAVID WINDERLICH (15:11): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Minister for Infrastructure, questions about the O-Bahn extension.

Leave granted.

The Hon. DAVID WINDERLICH: The Hon. Mark Parnell has highlighted recent regulations that seek to fast-track various forms of development that have been identified as commonwealth nation building program projects. They operate by removing environmental standards and consultation provisions.

Members interjecting:

The PRESIDENT: Order!

The Hon. DAVID WINDERLICH: The amendment to regulation 6A provides that significant tree laws do not apply if the tree is located at a site where it is proposed to undertake a development that has been approved by the state's Coordinator-General for the purposes of the commonwealth nation building program, other than where the site is deemed to be covered by state heritage legislation.

Furthermore, it is envisaged that the O-Bahn extension will run down the centre of Hackney Road and Dequetteville Terrace, and I envisage significant concern about the traffic congestion that will result. My questions are:

1. Is the $61 million O-Bahn extension a commonwealth nation building project?

2. Can the minister rule out the possibility that the route used for this O-Bahn extension may be relocated to the edge of the Parklands, thereby threatening significant trees?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:13): Sometimes you get amazed in this place because people will spend all of their time calling for the government to expand public transport and so on, and now that we have the investment from the commonwealth government—and I warmly welcome it—this state has a chance to bring our public transport system up to the level of other capitals.

We have had to do it all on our own. Capital cities like Brisbane, Perth and others have had significant commonwealth assistance in the past. Queensland, under the Whitlam government, and Perth, during the 1990s, and others, all had significant amounts of money to electrify and improve their rail system. We finally have the opportunity and, when we do, we get these sorts of questions.

In relation to the O-Bahn budget proposal (or the Australian infrastructure proposal), it is not my understanding that it is specifically part of the nation building program, but I will check and bring back a response for the honourable member in relation to that part of his question.

SENIORS CARD

The Hon. T.J. STEPHENS (15:14): I seek leave to make a brief explanation before asking the Leader of the Government a question about unnecessary red tape and repetition for seniors card holders.

Leave granted.

The Hon. T.J. STEPHENS: Members would be aware that seniors card holders are eligible for a reduction on council rates and a rebate on the emergency services levy. Application for such a reduction must be made annually. Separate applications have to be made to each concession, rather than dealing with both at the same time, even though it would seem that those eligible for one are eligible for both.

The applications go to different departments: Revenue SA's Property Services, and Concessions and Anti-poverty Services of the Department for Families and Communities. Why can't there be one application for both concessions, thus saving time and effort for both the applicant and the government?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:15): The government is well aware of issues in relation to streamlining procedures. My colleague the Minister for Consumer Affairs informs me that some work is being done, but I will refer that question to my colleague in another place and bring back a response.

LOCAL GOVERNMENT AWARDS

The Hon. I.K. HUNTER (15:15): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about public and environmental health initiatives by local government authorities.

Leave granted.

The Hon. I.K. HUNTER: Local councils play an important role in protecting the health of the community through the work of their public and environmental health officers. Will the minister inform this council of initiatives being undertaken by local government bodies in this area?

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): Recently I had the pleasure of attending the Local Government Association's AGM at which I was pleased to present the Public and Environmental Health Council of the Year awards. These awards, developed by the Public and Environmental Health Council, recognise excellence in the field of environmental health in local government and are sponsored by SA Health and the LGA. As the honourable member noted, local councils play a vital role in looking after the health of the community through the great work of their public and environmental health officers.

Over the years we have made many gains, such as better monitoring of public and environmental health issues and in proactive work, to bring about a healthier community. During the judging of the awards it was decided that a number of councils warranted special recognition for the excellent environmental health services they provide to their communities. The following councils were awarded a Certificate of Excellence in recognition of their achievements: in the

metropolitan category, the cities of Charles Sturt, West Torrens, Marion and Mitcham; and in the regional category, the Barossa Council, in unincorporated areas (administered by the Regional Services Section of the Department of Health), the District Council of Mount Barker and the City of Mount Gambier.

It is encouraging to see the number and diversity of organisations recognised for their excellence. I understand that it was very difficult for the judging panel to decide amongst the four remaining councils short-listed for the awards as all displayed great initiative and progress in the areas of education and the promotion of public and environmental health. The winner of this year's Metropolitan Public and Environmental Health Council of the Year Award was the Adelaide Hills Council, which has excelled in a number of key health-related activities, including monitoring, health promotion and social inclusion planning.

As the catchment for much of the metropolitan and Adelaide water supply is within the Adelaide Hills Council area, the council has a significant task to ensure that proper standards of public and environmental health are maintained, particularly in relation to wastewater treatment systems. To achieve this, the internationally renowned Mount Lofty Ranges Waste Control Project was developed under the stewardship of the council's Environmental Health Unit to address the substantial health risks associated with failing on-site wastewater control systems. This program continues to be a national and international model for managing wastewater systems in sensitive environments.

For the regional category, the winner of the Council of the Year was the Alexandrina Council. Since the inception of this award, the Alexandrina Council has been consistently nominated and often judged the winner of this award in the regional category. The Alexandrina Council has an outstanding commitment to serving its community through its various social, cultural and environmental initiatives outlined in the council's comprehensive Public and Environmental Health Management Plan. Through its Fleurieu Families program, the Alexandrina Council has demonstrated its commitment to improving health outcomes for socially disadvantaged groups.

Programs such as these—combined with considered, risk-based responses to public and environmental health challenges—typify the forward thinking and holistic approach to public and environmental health practice of the Alexandrina Council. I congratulate both winners and all those with a special commendation.

WASTE COLLECTION

The Hon. D.G.E. HOOD (15:19): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about rubbish collection.

Leave granted.

The Hon. D.G.E. HOOD: The Hon. Mr Wade asked a question on this topic yesterday, but my question comes from a different angle. Regulation 4(2) of the Public and Environmental Health (General) Regulations 2006 requires that an owner of premises must take reasonable steps to ensure that refuse on the premises that is capable of causing an insanitary condition is disposed of as often as may be appropriate, 'but in any event at least once a week'.

Interestingly, however, the Public and Environmental Health Act 1987 names the authority for policing the regulation as the local council for the area. My questions are:

1. Does the minister agree that it is inappropriate for councils to be planning to switch to fortnightly garbage collections when the regulations also make them responsible for fining people who fail to put their garbage out on a weekly basis?

2. Will the minister enforce the current government regulations and ensure that garbage collections occur on a weekly basis, which is the current position?

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) (15:21): I answered this question yesterday. As a former minister for the environment, I commend the councils that are participating in the waste trials and the ratepayers who are supporting those trials. We are all well aware of the importance of recycling in terms of environmental benefits in reducing carbon emissions and also reducing our reliance on the use of raw materials when we can re-use previously used materials.

This initiative is to be commended. It is a good policy principle. In terms of operational matters, a number of details needed to be worked through and that is why this was set up as a voluntary pilot. Councils were not required or obliged to participate; they did so voluntarily, and through their participation in those trials various issues came to light. This is exactly why the trials were set up in the first place. So, they have served a valuable purpose to identify issues, heighten public awareness and encourage public engagement and consultation around those issues, and that is exactly what is occurring.

Regarding the health regulations referred to by the honourable member today and yesterday by the Hon. Stephen Wade, I have already put on the record that this is the responsibility of the Minister for Health. In respect of any of the operational details of the waste pilots, the lead agency for that is Zero Waste and the lead minister is the Hon. Jay Weatherill.

URBAN GROWTH BOUNDARY

The Hon. J.S.L. DAWKINS (15:23): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the urban growth boundary.

Leave granted.

The Hon. J.S.L. DAWKINS: The state government's urban growth boundary expansion plan was released in July 2007. The plan included provisions to expand the urban growth boundary to the north around Gawler and to the south near Aldinga and Noarlunga. The Barossa Council instigated proceedings in the Supreme Court in late 2007 against the state Labor government after being unable to influence the government's urban growth boundary expansion of metropolitan Adelaide north-east from Gawler into the Concordia district.

I understand that the legal action against the urban growth boundary extension was withdrawn by the Barossa Council in early 2008 with the agreement of the Minister for Urban Development and Planning in support of an investigation into the potential for a separate new township based around Concordia. Rather than continuing the town of Gawler, this would allow a buffer zone between Gawler and the Barossa. Will the minister indicate the progress and results, if any, of the investigation over the past 14 months regarding a new and separate township of Concordia being constructed to the north-east of Gawler?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:25): The honourable member is correct: the Barossa Council did make some approach to the government after the urban growth boundary was declared, as it believed that it had a better proposal in relation to growth in that area.

Since the urban growth boundary was released in December 2007, a number of things have happened: first, the planning and development review has been released. It highlighted that, notwithstanding the increase to the urban growth boundary, we were still relatively short of land that could be developed in the Greater Adelaide area, particularly if we maintained the level of population growth we have in recent times.

Clearly, we would place some real pressures on land which, in turn, could make housing unaffordable if we did not address the issue. The recommendation of the planning and development review was that we should move to a 25 year rolling land supply (to be reviewed every year), with 15 years of that zone ready. Under the current urban growth boundary, which came into effect in December 2007, there was probably barely 15 years' supply within that area, a significant proportion of which was not zone ready.

The review has reported and the government has adopted its findings. We are now in the process of the 30 year review, and we discussed it at length earlier in question time today. The plan will be released for public consultation fairly soon, that is, within the next few months. Part of the process has included detailed discussions with local government, including the Barossa Council and others, about where Adelaide may grow into the 30 years. Those discussions subsumed the earlier response from the Barossa Council, which arose from the urban growth boundary report in December 2007.

Members interjecting:

The Hon. P. HOLLOWAY: The government has been looking generally at areas where Adelaide might grow in the 30 year plan, and this broader plan has subsumed the specific issue of

Concordia. We are looking at the whole of the Greater Adelaide area and where it might grow. I hope that the report will be released for discussion within the next few months and, as part of the process, the government has had very fruitful and productive discussions with local governments throughout the greater metropolitan area in relation to growth.

As part of the process, I reiterate the point I made earlier: planning growth is not particularly easy, given our geography. It is not easy to choose land which has minimal environmental impact and minimal impact on good agricultural land and which provides the best use of existing infrastructure, adequately constrains urban sprawl and has water sensitive urban design—all the objectives we would like to achieve. To get all those things together is not an easy task, but those discussions have been proceeding. I know that, in relation to the Barossa area, discussions with that council and with Light Regional Council have been fruitful in relation to outlining the plan which, hopefully, will be released within the next few months.

MATTERS OF INTEREST

DISADVANTAGED YOUTH PROGRAMS

The Hon. J.M. GAZZOLA (15:30): It seems that footballers and sportsmen are getting more media attention for all the wrong reasons these days, so I wish to balance this in talking about a joint venture between the state and federal governments and how footballers—and, in this case, some of the mighty Port Adelaide Power players—are joining together to help the most vulnerable people: young homeless, disadvantaged youth. I have no doubt that this matter of interest will, through the auspices of our most diligent and responsible media, help restore some reason to the reports of recent days.

I turn to the broad initiative that launched this venture, reflecting how ideas from overseas can help solve common problems. On 21 May 2008 the Premier announced a combined federal and state government effort to provide funding for the construction of units and apartments for the homeless, based on an idea pioneered in New York and brought to Adelaide by Rosanne Haggerty, one of the state's Thinkers in Residence. The growth and success of this initiative alone demonstrates the value of the cross-fertilisation of ideas as the catalyst and inspiration for social improvement.

In practical terms the $5.6 million federal Common Ground Project, comprising $2.8 million each from this state government and the federal government, in addition to two projects—the $11 million already provided for 100 apartments for homeless and low income earners in Adelaide, and the $9.5 million SA Foyer Plus housing project in Adelaide—is but part of the federal $150 million broader 'A Place to Call Home' initiative.

Common Ground Adelaide Limited, a partnership between government and business leaders, has seen the construction of 38 units in the Franklin Street bus station, while the Sands and McDougall project on Light Square will see the building of 60 units due for completion by mid-year. It is the SA Foyer Plus project, and specifically the Ladder Foyer project, that I wish to discuss. SA Foyer Plus is based on a supportive housing model used in England and France and is specifically designed for breaking the cycle of youth homelessness.

Ladder Foyer 2008, an offshoot, launched on 29 October 2008 by the federal housing minister (Hon. Tanya Plibersek), state Minister for Housing (Hon. Jennifer Rankine), Commissioner for Social Inclusion (Monsignor David Cappo), and AFL Players' Association Chief Executive Officer (Brendan Gale), will see in its first project the renovation of a derelict hotel at the Black Diamond Corner in the heart of Port Adelaide, providing 23 single, self-contained apartments at stage 1 for the young homeless.

The site will also include support, employment and training opportunities for young people. The association with the AFL, through its players' association, will see past and present AFL players, including past and present Power players, together with prominent women athletes, working with and mentoring the young residents to improve their lot. In addition, Ladder Foyer will engage these young people with community and business groups in a range of social, cultural and sporting activities as a further platform for stability and development.

The fact that every night there are over 100,000 homeless young people in South Australia is alarming, and underlines the importance of governments, sporting bodies, sportsmen and sportswomen, business and community leaders and NGOs working collaboratively to resolve this worrying situation. The commitment and endorsement by the AFL Chief Executive Officer

(Mr Andrew Demetriou) are most welcome, and the opportunity for AFL players to play their role is reflected in the comments by Mr Gale when he said:

> AFL players are well aware of the privileged position they enjoy in our society and more than ever are keen to offer a helping hand to those in a less fortunate position than themselves. This initiative is yet another example of this.

I endorse these remarks and congratulate and wish well all the participants in these fine initiatives, and I hope the recent negative publicity can be put in a more balanced perspective through these projects.

Time expired.

SHOP DISTRIBUTIVE AND ALLIED EMPLOYEES ASSOCIATION

The Hon. R.I. LUCAS (15:34): On 24 September last, I spoke on what I said was the pervasive influence and arrogance of the Shop Distributive and Allied Employees Association within the Labor Party and the Rann government. On that occasion I said:

> We can see the tentacles of the SDAEA everywhere in terms of the government, the party machine. Its influence is growing like a cancer throughout the Labor Party and the Rann government. It is using the Rann government's offices, departments and agencies as a de facto job network for the SDAEA, their friends and relatives. There is growing anger … about the increasing arrogance and power of the Right and, in particular, the SDAEA in terms of the Labor Party.

Since that speech in September last year, I am indebted to a number of sources within the broader labour movement who have continued to provide information to the opposition in relation to the arrogance and pervasive influence of the SDA and the Right within the Rann government. I refer to the most recent financial statements for the financial year 2007-08 submitted by the SDA to the Australian Industrial Registry. In particular, I refer members to note 10 and to those financial statements under the heading 'Related party transactions', which states:

> In May 2008, the executive approved a termination payment for Don Farrell.
>
> The payment was proposed by Don Farrell based on payments generally made to previous departing secretaries. The formula suggested by Don Farrell was one month's pay for each year of service. The payment was in addition to his normal pay and leave entitlements.
>
> The total amount was $59,701.04.
>
> Legal advice is currently being sought whether a payment of this nature is appropriate for a non-profit organisation.

I repeat that: 'Legal advice is being sought whether a payment of this nature is appropriate for a non-profit organisation.'

I will also quote from a letter to Mr Peter Malinauskas (the now secretary) from the Statutory Services Branch, dated 17 March this year, and signed by Kay Donelan. In that statement, under the heading 'Notes to the financial statements—related party transactions', the representative of the Australian Industrial Registry states:

> I note the reference to a termination payment, the method of calculation and the legal advice being sought by the branch.

I think the obvious question that needs to be asked in relation to this is: why on earth are the hardworking members and workers of the SDA union making a termination payment of nearly $60,000 to the former secretary of that particular union—someone who has not lost his job? There has been no restructure. The position was filled by Mr Peter Malinauskas. There has been no restructure and there is no redundancy. He moved from the cushy job of a union secretary straight into the even cushier position in the federal Senate—

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

The Hon. R.I. LUCAS: —with additional payments and salary, as my colleague the Hon. Mr Dawkins has indicated, as well. So, it is not as if the man has lost his job. It is not as if the job has been restructured; it is not as if the job has been replaced; it is not as if he was dismissed. So, all normal explanations for a redundancy payment would not appear to apply to Mr Don Farrell, who moved seamlessly into a very well-paid job in the federal Senate.

I would have thought that it would be useful if the Hon. Mr Finnigan in this place (one of the representatives of the SDA)—given that he was assistant secretary of the SDA at the time this particular decision was taken, I assume—was able to indicate on some later occasion the basis and the explanation for this. For example, what are the taxation arrangements in relation to this

$60,000 payment to Mr Farrell? There is clearly some concern, because legal advice is now being sought as to whether or not this was an appropriate payment to Mr Farrell.

I also refer to the financial accounts, because there was evidently also payment for or the provision of a motor vehicle to a former employee of the SDA. I hasten to say that that is not the Hon. Mr Finnigan or, indeed, anyone employed by the Hon. Mr Finnigan. Again, it would be useful for the Hon. Mr Finnigan at some later stage to confirm my view that the provision of a car was not made to him or any former staff of the SDA employed by the member.

Time expired.

ITALIAN LIBERATION DAY

The Hon. CARMEL ZOLLO (15:39): In Australia, 25 April is the day when we unite as a nation to recognise those who made the ultimate sacrifice for their nation, those who ensured that the values of freedom and democracy would continue to be our way of life in Australia. It is a day when those who returned, and the families of those who did not, march in unity in order that we do not forget. More than any other day, it is a day that unites all Australians.

By coincidence, 25 April is also Italian Liberation Day. In a multicultural nation such as Australia, those of Italian heritage, the Consul of Italy in South Australia and its committee of Italians abroad (Com.It.Es) are able to celebrate the partisan victory, as well as remember those who made the ultimate sacrifice. Indeed, the 1948 democratic constitution of the Italian Republic declared itself to be built on the Resistance.

History records that after Italy's armistice on 8 September 1943 the Italian Resistance movement became massive. The history of the Resistenza is one of a movement that eventually embraced the whole nation; on one side were 300,000 partisans, who were eventually joined by the military as well as the general population. On 19 April 1945, concurrent with the renewal of the Allied defensive, the Committee of National Liberation called out a general insurrection and a series of cities were liberated, with Milan and Turin liberated on 25 April.

It is perhaps a little known fact that in those years a number of provisional partisan governments were established in Italy. What the partisan movement demonstrated was that not all Italians agreed with Fascist rule. Apart from the nearly 45,000 partisans killed there were nearly 21,000 wounded or disabled, as well as over 15,000 Italian civilians killed in retaliation. In his speech, the Italian Consul in South Australia, Dr Tommaso Coniglio, recognised all those who made the ultimate sacrifice for their country. He spoke of those who fell for Italy's liberty, which culminated in the Resistance movement, a movement which was determined to restore liberty, independence and dignity to Italy.

Liberation Day is used as an opportunity to strengthen relationships between the Italo-Australian community and the rest of the community, as well as the inter-generations of those with Italian heritage. For many years students of Mary McKillop College have taken part in a commemoration at the Payneham Independent Cemetery, and the students are prepared for the extra-curriculum language participation by senior Italian language teacher Mrs Marissa Baldassi. I should mention that Mrs Baldassi is a respected COMITES member, was awarded an Italian knighthood, is a former Lions Club Citizen of the year, and past LOTE coordinator of the college. There has been a tradition of celebrating this occasion by inviting all high school Italian language students to participate in a competition with the theme 'Solidarity in the Community', which allows students to research and then record history.

This year for the first time music students from Brighton High School were invited to perform to the assembled community at the lunch at the Forgolar Furlan Club that follows the commemoration at Payneham Cemetery. Deputy principal Mr Jeffrey Kong had the pleasure of introducing two singers: Mr Robert Edgar, a former student of Brighton High and first year Adelaide Conservatorium student; and Hannah Greenshields, a 14 year old student from the school. Both are singers of outstanding ability, and with voices like theirs I am certain that their future will be brilliant. Neither has studied Italian, but with a little practice their performances were faultless. The success of multiculturalism can always be best measured by reaching a wider audience outside a particular ethnic group.

I should also mention that on the day Mr Tony Piccolo MP, the member for Light, was present. Mr Tony Zappia, the federal member for Makin, was also there, and the opposition was represented by Mr David Pisoni MP, the member for Unley.

War always has casualties, in whatever theatre, but the fact that 64 years after World War II I stand in this place, as Italian born, to speak of events on the other side of the world, not just as a member of parliament but as a former minister of the state, I believe speaks volumes about the will of many to see an Australian nation that is always prepared to embrace new beginnings.

Time expired.

ISOLATED CHILDREN'S PARENTS' ASSOCIATION

The Hon. J.S.L. DAWKINS (15:44): I rise today to speak about the Isolated Children's Parents' Association state conference, which was held at Woomera on 1 May this year at the Eldo Hotel—which I am sure, Mr President, you will know from your many years in the Outback.

It was an excellent venue for the conference, which commenced with a welcome from Ms Joanna Gibson as convener, on behalf of the North-west Branch of the ICPA. That was followed by an introduction of guests by the state secretary Mrs Helen Williams and the state president Mrs Sharon Nutt.

The feature of the conference was a number of motions on a number of issues put forward by ICPA members, which were largely to be directed to the state government and a number of which have been on the books for a while. I give great credit to these people. They are enormously selfless in the way in which they go about fighting for the issues that are important to the people who have children in isolated areas of this state. I might say that many of the issues are relevant right across the country. There was representation at the conference from the federal executive of ICPA, which will shortly have its federal conference in Longreach.

I will very quickly take some time to go through some of the motions that were agreed to, mostly in a unanimous fashion, at the conference. The Port Augusta branch moved a motion highlighting the need for adequate recurrent funding for an additional position dedicated to supervisor support for the open access college based at Port Augusta. The North West branch moved a motion requesting that a dedicated supervisor/student support position be reinstated at the School of the Air in order to provide adequate support to supervisors. Three motions were moved in relation to communications by the North East branch, the North West branch and the Flinders Ranges branch, and they were highlighted in this place yesterday by my colleague the Hon. Caroline Schaefer in her question.

The North West branch moved a motion that an urgent investigation be undertaken into the ongoing problems with Centra. To explain that a little, I advise that the open access college has been asked to reduce telephone costs and increase the use of Centra for the delivery of lessons. The members of ICPA wonder how this can happen with the Centra service being so unreliable.

The Flinders Ranges branch moved a motion to go to the government asking that a student travel allowance be made available for preschool students living more than 4.5 kilometres from a preschool facility or a bus route serving a preschool facility. The Flinders Ranges branch successfully moved a motion that DECS provide technical, computer and network support to rural and remote schools for curriculum, through the customer service centre and visiting support officers.

I note that motions were moved by some of the lone members of ICPA, first, to highlight the need to support rural and remote schools by replacing essential administration computer systems, as the equipment is ageing fast and is excessively expensive; and, secondly, that ICPA urgently lobby the Minister for Education and Children's Services and the relevant federal ministers to ascertain their commitment that there will be equity in the way in which the building revolution funding is delivered to urban, rural and remote schools.

They are not all the motions moved at the conference, but those listed are the great majority of motions moved. As I have said, I take my hat off the people from ICPA for their efforts in advancing the prospects of children in rural and remote areas.

Time expired.

INTERNATIONAL DAY AGAINST HOMOPHOBIA

The Hon. I.K. HUNTER (15:49): I rise today to draw members' attention to International Day Against Homophobia, which is being held this coming Sunday. On 17 May each year, International Day Against Homophobia is celebrated around the globe. International Day Against

Homophobia was originally planned as a national day of action in Canada. It has since grown to an international day of action, with events planned around the world.

So, why 17 May? Well, it was on 17 May 1990, which is not that long ago, that the World Health Organisation officially removed homosexuality from its list of mental illnesses. Up until that time, officially, I was mad!

Whilst WHO formally recognised this self-evident truth almost two decades ago, some communities around the world still see homosexuality as something either abnormal or even criminal. With that in mind, this year's theme is Homosexuality Knows No Borders because, of course, homosexuality is natural and everywhere. We are part of every community and are citizens of every country.

However, more than 80 countries around the world still criminalise homosexual behaviour with a variety of penalties. In seven of these countries the penalty is death. Iran, Mauritania, Nigeria, Saudi Arabia, Sudan, United Arab Emirates and Yemen all carry the death penalty for homosexual acts between consenting adults. That is correct: in seven countries around the world people are executed by the state for loving the people they love. In many more places the state turns a blind eye to vigilante style acts perpetrated against gay and lesbian victims. This is happening all around the world in all different kinds of societies.

Recently, some attention has been given to the executions of men and children in Iraq. These men had received a death sentence because they were homosexual. Gays Without Borders reported on 27 March that 128 prisoners were on death row in Iraq, many charged with the 'crime' of homosexuality. It is something that I have spoken in parliament about in the past.

Stories are coming out of the war torn nation of men, women and even children being tortured and summarily executed because their life does not conform to a doctrine of Islam that suggests that murdering children is more moral than living gay. An underground railway has been set up, similar to that seen for those escaping slavery in the United States 200 years ago, providing safe houses in Iraqi cities to help gay people escape persecution.

Another country where homophobia is rampant is the seemingly carefree holiday island of Jamaica. The act of homosexuality is still illegal on the Caribbean island and, despite violent attacks, police are unwilling to investigate even the most horrible of crimes. Some human rights campaigners even refer to Jamaica as the most homophobic place on Earth.

A story in *The New York Times* published in February last year highlighted how bad things are on that island, as follows:

> For years, human rights groups have denounced the harassment, beating and even killing of gays here, to little avail. No official statistic has been compiled on the number of attacks. But a recent string of especially violent, high-profile assaults has brought fresh condemnation to an island otherwise known as an easygoing tourist haven.

In Russia, two Gay Pride organisers were arrested in March this year and charged with propaganda of homosexuality to minors.

The trial of Anwar Ibrahim in Kuala Lumpur is yet another example of homophobia. The charges of sodomy to defame a political opponent demonstrate how ingrained prejudice is in some communities around the world.

This Sunday I will be joining the AIDS Council of South Australia to celebrate sexual diversity at its Stars Against Homophobia event at Higher Ground. ACSA has been collecting community stories about how homophobia has impacted people's lives. I will be reviewing these stories on the day and hope to be able to bring some of them to the attention of members of the council in due course.

I encourage all members to take a moment on Sunday to think about how they might go about addressing the issue of homophobia. Challenging bigotry and hate whenever it occurs in day-to-day conversation would be a great start.

DESALINATION PLANT

The Hon. M. PARNELL (15:54): Today I want to speak about the economic irresponsibility of this state's accepting an additional $228 million for the doubling of the desalination plant at Port Stanvac. Members would be aware that this was one of the announcements in last night's federal budget. The $228 million from the federal government comes on top of the $100 million that has already been promised, and it comes with the condition that it be used to double the size of the Port Stanvac desalination plant from 50 gigalitres to 100 gigalitres.

The Greens say that this is economically irresponsible and reckless because it will leave future generations of South Australians with an incredible energy legacy that will have to be paid for into the future.

The question we must ask ourselves is: if there is not just the extra $228 million but the other $100 million, not to mention the $1.4 billion total price tag, and if that money is available for water security for Adelaide, is the desalination plant in its original form or in its double-sized form the best way of spending that money? Clearly, any analysis that looks at social, economic and environmental considerations comes back with the answer that this is not the best way of spending that money.

The difference, of course, between methods of achieving water security, such as desalination, when compared with methods such as stormwater recovery and aquifer storage and recovery methods, is that the desalination comes with a massive energy bill that must be met year in and year out. The desalination plant for Port Stanvac has had the support of both the major parties. What has been particularly disappointing is that we have not seen the rhetoric of the opposition in relation to an increased spending on stormwater harvesting consistently matched with a call to downgrade or even stop the desalination plant.

The research my office commissioned last year showed that, if we were to focus on stormwater recovery, if we were to focus on demand management and if we were to focus on effluent reuse, we could in fact achieve water security for Adelaide without a desalination plant and without relying on water from the River Murray. However, the most disappointing thing out of the recent announcement is that the Treasurer and the Premier are out in the media saying that this larger desalination plant will mean that we do not need water restrictions in Adelaide. That defies belief, because even at 100 gigalitres we know that in a dry year Adelaide still gets around 170 gigalitres from the River Murray. So, we are still 70 gigalitres short, even with that doubling of the plant.

The message that is being pedalled by the Premier and the Treasurer is that, as a community, we can take our foot off the brake and put it back on the accelerator, and water restrictions are a thing of the past. The Greens do believe that we can get rid of water restrictions but we believe that it should be done in a responsible manner which gives individual households more choice over how they use their water. Water restrictions are crude; they do not allow for flexibility. I think we need to get rid of them in their current form, but to suggest that by doubling the size of our bottled electricity plant (that is, the Port Stanvac desalination plant) will see the end of water restrictions, I think, is irresponsible in the extreme.

The Greens would urge all political parties to join with us in saying, 'Let's not double the size of the plant. Let's use that money instead for more socially and environmentally responsible options, such as stormwater harvesting.'

SOCIAL DEVELOPMENT COMMITTEE: HEALTH DEPARTMENT HYPNOSIS REPORT

The Hon. I.K. HUNTER (15:58): I move:

> That the report of the committee on the review of the Department of Health report into hypnosis be noted.

For the record, the full title of the Department of Health report is 'Report on Harms Associated with the Practice of Hypnosis and the Possibility of Developing a Code of Conduct for Registered and Unregistered Health Practitioners'. First, to put things into context, the practice of hypnosis in South Australia is regulated by legislation, specifically, the Psychological Practices Act 1973. Section 39 of this act restricts the practice of hypnosis to certain registered professions, that is, psychologists, medical practitioners and dentists and, under particular conditions, to individual prescribed persons.

In September 2006 the state government introduced the Psychological Practice Bill, among other things, to remove this restriction. At that time, concerns were raised that the bill would provide the opportunity for untrained and unqualified individuals to carry out hypnosis. These concerns prompted the Department of Health to commission its report. Last year, on 7 May 2008, the House of Assembly resolved on a motion of the Minister for Health (Hon. John Hill) that the Social Development Committee review the Department of Health's report in the context of its current inquiry into bogus, unregistered and deregistered health practitioners.

While the committee's examination of the department's report occurred concurrently with this inquiry, the committee considered the issues separately. It also considered that a stand-alone report was warranted. In addition, given the limited scope of this term of reference, the committee

determined that it was not necessary to advertise this matter in the print media, as it normally would do; instead, it placed relevant information on its website and sought input from a number of stakeholders.

Before going further, I take this opportunity to thank the other members of the committee for their contribution: first, from the other place, Mr Adrian Pederick MP, Ms Lindsay Simmons MP and the Hon. Trish White MP and, from this chamber, the Hons Dennis Hood and Stephen Wade. I also acknowledge and thank the staff of the Social Development Committee for their contribution and invaluable research work.

While hypnosis can be difficult to define, the committee was told that it was generally considered to be an altered state of consciousness in which an individual has increased susceptibility to suggestion. Evidence suggests that hypnosis can be a useful addition to psychological therapy. It has also been used in the management of a range of symptoms and conditions, including anxiety, chronic pain, obesity and sleep disorders.

The Department of Health report notes that the introduction of the Psychological Practice Bill in 2006 needs to be considered in the context of the National Competition Policy Agreement principles, which principles state, amongst other things, that legislation should not restrict competition unless it can be demonstrated that it is in the public interest to do so. The department's report also notes that in the mid-1990s the Australian Health Ministers Advisory Council established a process for assessing whether a profession should be regulated by legislation.

The criteria—and these criteria were endorsed in March 2007—posed a number of questions, including: do the activities of the occupation pose a significant risk of harm to the health and safety of the public? In 1996, that advisory council determined that there was no need to regulate hypnosis and hypnotherapy on the ground that there was no apparent harm.

The Department of Health's report also highlights a number of other difficulties associated with the way in which hypnosis is restricted in South Australia. For example, current legislation allows a number of registered professionals to practise hypnosis irrespective of whether they are appropriately trained to do so.

Furthermore, current legislative restrictions prevent other health practitioners—for example, specialist mental health care nurses—from using hypnosis as part of their treatment, regardless of their training. The report also notes that in Australia and other comparable countries very few jurisdictions regulate the use of hypnosis, and on that point the committee notes that the current restrictions placed on the practice of hypnosis in South Australia are out of step with interstate jurisdictions.

Unsurprisingly, the committee received only a small number of written submissions, which for the most part supported the lifting of the current restrictions. However, one submission, from the South Australian Society of Hypnosis, strongly opposed the removal of restrictions on the practice of hypnosis—again, probably unsurprisingly. The society argued that the removal of the current restrictions would make it possible for untrained and unskilled individuals to practise hypnosis.

While the committee notes that concern, it considers that there is a strong and compelling case for the current restrictions on the practice of hypnosis to be lifted. Let us be clear: in saying this, the committee is not suggesting that the practice of hypnosis should become a free-for-all—far from it. The committee is of the firm view that any lifting of current restrictions on the practice of hypnosis should not occur without other safeguards being put in place to protect the public.

To that end, the committee recommends the introduction of a new regulatory framework to cover the practice of hypnosis. It also recommends that this new regulatory framework should ensure that proper standards of education and training for the practice of hypnosis are established. Finally, the committee also recommends that an evaluation be undertaken within two years of the introduction of the new regulatory framework to examine the effectiveness of the changes and to make any modifications if necessary.

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

AQUACULTURE

The Hon. M. PARNELL (16:04): I move:

That the regulations under the Development Act 1993 concerning aquaculture, made on 23 April 2009 and laid on the table of this council on 28 April 2009, be disallowed.

This is the second or third time I have moved a motion to disallow regulations under the Development Act that seek to undermine public participation in the industrial use of South Australia's coastal waters. I commence my remarks in relation to why these are poor regulations that need to be disallowed with a very brief history lesson on how not only this government but also the previous government have eroded the rights of the community to have a proper say on the use of the commons, particularly our coastal waters.

The starting point is that development in this state is governed by the Development Act. 'Development' includes building works and also the change of use in land. 'Land' also includes land covered by water, which means that the Development Act covers the whole of South Australia out to the three nautical mile limit and includes the waters covering Gulf St Vincent and Spencer Gulf. In other words, the same laws apply to development on land as to development in the sea.

This is most important because the sea is not private land; it is commons. If we as a community accept that we need proper processes to govern the use of private land, how much more important is it that we have proper processes to deal with development on public land, particularly land that is the commons or the sea?

This was originally recognised in our planning and development control system by the fact that all aquaculture development in this state was regarded as category 3, which meant that every application for aquaculture in coastal waters had to be advertised for public comment and that the public had the right to appeal against any approvals if they felt that the application was seriously at variance with the planning rules—in this case, the Coastal Waters Development Plan.

In the mid-1990s, the Conservation Council of South Australia started to become increasingly concerned about the proliferation of aquaculture approvals that were based on very limited scientific or environmental information. The concern was that the aquaculture industry believed that it knew the best spots for its activities, but it knew very little about the host environment in which it was establishing itself. The principal campaigner on behalf of the Conservation Council of South Australia was Peter Marchant, a former lighthouse keeper on Neptune Island and a font of knowledge about the marine environment. In fact, Peter was awarded the Conservation Council's premier award, the prestigious Jill Hudson Award for Environmental Conservation, for his efforts on behalf of the marine environment.

It was Peter Marchant who pointed out the appalling process that was being followed by government bodies to assess and approve aquaculture in South Australia. That process included the delegation of all decision-making powers by the Development Assessment Commission to a subcommittee that comprised industry representatives. In other words, the aquaculture industry representatives sat around a table with bureaucrats and made decisions about their colleague's development applications. The Conservation Council urged the government and the Development Assessment Commission to stop this practice, and those calls fell on deaf ears. As their lawyer I did likewise and had no success at all.

We were so confident that the processes being used were unlawful and corrupt that we threatened the Development Assessment Commission and the government that we would appeal against the very next application that was lodged if they did not start processing applications in a proper way. Again, we were ignored. As a result, in 1998 we lodged appeals against the very next development applications lodged. It turned out that they were kingfish applications for Fitzgerald Bay—the very developers who are now concerned about the Point Lowly desalination plant, which is about to discharge, from memory, 4.3 cubic metres of waste per second into the local environment.

When we got to court the lawyers representing the Crown—representing the Development Assessment Commission—effectively admitted to the court that the process was so flawed that they would not contest the appeal. In other words, they threw in the towel and said that it was a no contest. They said, 'We can't possibly win; the Conservation Council is absolutely correct that the process is flawed; we give in.' As a result the case was resolved, with the Conservation Council successful. We did not even argue the merits or otherwise of that particular activity in that location—we did not even get to that stage.

That was not the end of the matter, because in 1999 there were further concerns about the inadequacy of environmental information, so further representations were made to the Development Assessment Commission, and this time the applications challenged were tuna feedlots in Louth Bay near Port Lincoln. I will not go into the history of how those tuna feedlots came to be there; for that background members can read the Environment, Resources and

Development Committee report on the matter, a report which eventually resulted in criminal prosecution of leading figures in the aquaculture industry.

In relation to the merits of that case, the Conservation Council argued that those developments were not ecologically sustainable. After this state's longest-ever environment trial, and after hearing from 20 or so witnesses, the full bench of the Environment Court of this state agreed that the developments were not consistent with the planning scheme. They were seriously at variance and therefore were overturned. What happened then is what always happens: outraged industry went to the government—it was the Liberal government back then—and they said, 'Our industry is too important to be subject to the regular laws; we need protection.' They said, 'We've got a problem.'

I agree: they did have a problem. They had a problem with pollution, with nutrient build-up in the ocean, with anoxic sludge developing beneath their cages, with shark interactions and with dolphin deaths. It is not commonly known that the tuna industry off Port Lincoln was the single biggest killer of dolphins in South Australia. Yet, the industry convinced the government that it was not the problem, that the problem was public consultation rights; the problem was the Environment Court applying planning principles; the problem was greenies in court. So, within a week of the court's decision, the government gave the industry the protection it needed and it changed the law, changed the development regulations, the same regulations that I am now moving to disallow. It is using the same technique of changing the law when it gets inconvenient truths.

So back then it changed the law to say that certain forms of aquaculture did need to go through the planning system but did not need to go through public consultation rights—that was the change it made. It said back then that anyone who wants to do aquaculture for a year or less does not have to go through public consultation. We said that that would be abused, that they would come back year after year and get temporary permits and it would not have to go through public consultation. That is exactly what they did: year after year they came back to get their one year permit for the sole purpose of preventing the public from commenting on development on public land in the sea. So, the tuna boat owners photocopied the applications for those 42 cages which had been defeated, relodged them, and of course they were approved because no-one had the right to comment or object, and that is how it was done.

In the meantime, the Aquaculture Act came in. Members need to remember that the Aquaculture Act is a direct response to the concerns raised by the community using community consultation powers and rights under the Development Act. If we had not run those early cases, if we had not challenged the process used back in the mid-1990s, those changes would never have been made. If we had not challenged the tuna feedlots, we would not have an Aquaculture Act. The government responded to the pressure placed on it by the community having rights under the Development Act. Yet, since those times, we have seen every year or two new amendments to the development regulations come along that further erode the rights of the community to engage in aquaculture in a meaningful way. By 'a meaningful way' I mean that, sure, there are opportunities to comment on an aquaculture policy or an aquaculture plan, but none of those rights have attached to them the ability to do anything about it if you are ignored. The beauty of the Development Act process was that, if the government or the decision maker—the Development Assessment Commission, or whoever it was—did not comply with proper planning principles and proper laws, you could go to the umpire and get that changed.

The effect of these changes over a period of time—including my motion to disallow regulations two or three years ago—is that there is a clear trend. It is about privatising the sea for exclusive industrial use. People forget the fact that these developers do not have freehold title, so they do not own the sea. They are there with our leave, and the community is still effectively the owner. If you are another fishing interest or a tourism industry, you have no rights.

I will come now very quickly to the regulations I have moved to disallow. Basically, this is pretty much the final nail in the coffin of public participation rights under the Development Act. We have seen in the past regulations where the government simply puts geographic coordinates in regulations and says, 'Anyone who wants to do aquaculture in that area doesn't have to go through the process.' We have seen that sort of abuse. What we are seeing now is the final straw. These amendments to the development regulations amend schedule 3. As I am sure members know, schedule 3 is a list of activities which do not even relate to development. They are excluded from the definition of 'development'. What is added to schedule 3 is a new point 16, as follows:

> Any form of aquaculture development in an aquaculture zone delineated by land not within a council area or a coastal waters development plan is no longer regarded as development.

You do not even need to get development approval. So, primary industries go through the Aquaculture Act. We then have a deeming provision which says that anything that they come up with is automatically incorporated into the Development Act and into the development plan, and therefore, once an area has been identified as good for aquaculture, all public rights of objection come to an end. So, I think this is the last nail in the coffin.

People might say, 'Most of the nails went in a while ago. We have not had appeal rights against aquaculture for some time, so what are you worried about? The only practical intent of these changes is the shuffling around of aquaculture developments within an existing area. How could you be against that?' Certainly, that shuffling around within an area is not as significant a decision as allowing the activity to be established in the first place. The reason I went through that history is that people are saying, 'You don't need these rights any more. The law is now much better. The primary industries aquaculture people are looking at the environment in a way they never looked at it before. Trust them; they've got it right. If they've identified an area as suitable for aquaculture, then no further questions need be asked.'

I went through that history to point out to people that it is the rights that the community had that directly led to all of the improvements. If we were to now say that it is now fixed and no improvements are necessary, I think we would be kidding ourselves as well. They do not have the system right in terms of the proper balance between areas of the sea to be allocated for aquaculture and areas to be allocated, for example, for marine parks. That balance is by no means properly struck, because the reality is that the primary industries people and the aquaculture industry are out there securing the bits of the sea that they want, and the marine park process is lagging many years behind that process.

I know that, the last time I moved for the disallowance of these types of regulations, the response from the major parties was disappointing. Basically, they said that, if you're against aquaculture, vote with the Greens but, if you are for aquaculture, vote with the government. That is simplistic. This motion is not saying aquaculture is bad and that we should not have an aquaculture industry. My disallowance motion says that we do not need to nail this coffin shut. We do need to leave open the possibility of communities having a say over how our land in the sea is used and that those rights have historically led to improvements in the law and in environmental practice, and they can continue to do so as long as we leave the door open for people to be able to participate properly in the planning process. I urge all members to support this disallowance motion.

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

NATURAL RESOURCES COMMITTEE: WATER RESOURCE MANAGEMENT IN THE MURRAY-DARLING BASIN

The Hon. R.P. WORTLEY (16:20): I move:

That the 27th report of the committee, on Water Resource Management in the Murray-Darling Basin—Critical Water Allocations, be noted.

This is the second report of the Natural Resources Committee relating to this inquiry. This report was drafted after the committee's visit to the South Australian Riverland on 22 and 23 April 2009. This report takes the form of an urgent issues paper dealing with the matter of critical water allocations and is supplementary to the three major reports addressing the terms of reference brought down by the Legislative Council on 1 August 2007.

This paper is presented to the parliament due to the extreme urgency of this problem. The committee has formed the view that the unfolding crisis in the Riverland is critical and requires immediate action and advice to the parliament.

In 2008-09, the state government provided critical water allocations to qualifying Riverland growers to enable them to keep some of their permanent plantings of citrus, stone fruit and grapes alive, thus maintaining their business viability. This policy was designed to prevent the widespread loss of productive plantings that have taken many years to establish. The policy was not enough to enable commercial cropping but provided a stopgap measure on top, whereby many growers were able to choose to purchase top-up water in order to grow a commercial crop.

Committee members heard that the critical water allocations were extremely well received and much appreciated by growers. The committee has recommended in its report that the critical water allocation policy be extended on the same terms for another 12 months to give growers time to adapt and restructure their operations in line with the reduced allocations and difficult market

conditions. Any decision to allocate critical water also needs to be communicated to growers as soon as possible to allow them to plan for the next 12 months.

As members would be aware, recent unmitigated growth of wine grape vines nationally has resulted in the Australian wine grape industry becoming oversupplied by approximately 20 per cent. While oversupply might mean lower prices for wine drinkers in the short term, the bigger picture is one of depressed grape prices for growers, with the industry now facing a painful restructure that will have to involve significant reductions to wine grape production nationally. In the Riverland members heard that the net effect of this oversupply has been that virtually no grape grower has been able to turn a profit for a number of years now, and many are going broke and abandoning their vines.

In the Riverland, committee members viewed dead and dying vines and crops left to wither on the vine. It was put to the committee that a river full of water would have made things worse for grape growers, as bumper water allocations would have translated into bumper grape harvests, compounding the oversupply problem. The lack of water has also confused the situation, with many in the industry becoming distracted and mistakenly viewing the lack of water, rather than the oversupply of unsaleable grapes, as the main problem in need of fixing.

Members heard that, while grape vines are hardy and can survive times of low water and still recover well, both citrus and stone fruit trees suffer permanent damage if water is withheld too long and are unable to recover to produce the quality of fruit required for domestic and export markets. Members heard that, effectively, the choice was between abandoning trees and keeping them up to full water demand to maintain the quality. This is why a decision on providing critical water allocations needs to be made and communicated as soon as possible.

The committee heard that extra water allocations for wine grapes are unlikely to be enough to help growers in this difficult industry. However, members also heard that Riverland stone fruit and citrus growers would be able to benefit from extension of the critical water allocations policy, which would help them get through these difficult times. As well as assisting individual growers, critical water allocations play an important role in maintaining productive capacity in the region, which in turn is important for maintaining the viability of local communities, now under extreme and ever-increasing pressure.

I will leave members with a quote from one of the growers that sums up the pressure these salt-of-the-earth growers are now experiencing, which was taken from a recent industry survey of Riverland stone fruit growers. It reads:

> The mind is continually, that is 24/7, on the situation. The stress never leaves. Whereas in the past you could work a hard day, come back and enjoy an evening meal with the family and relax and watch TV in the knowledge that you've got a good, sound business into the future, that feeling is gone.

Members heard that this sentiment was representative of how the majority of Riverland growers are feeling at the moment. In terms of this inquiry, one more fact-finding tour is planned for later this year to the Barmah Choke, Hume and Dartmouth dams and the Snowy Mountains scheme. This final trip, together with evidence from additional expert witnesses, will provide the necessary material to complete the report.

I wish to thank all those who gave their assistance to the committee on this inquiry. I also commend the members of the committee: Presiding Member Mr John Rau MP; the Hon. Graham Gunn MP, the Hon. Sandra Kanck, the Hon. Stephanie Key MP, the Hon. Caroline Schaefer MLC, the Hon. Lea Stevens MP, and the Hon. David Winderlich MLC, for their contribution and support. They have worked cooperatively throughout this inquiry. Finally, I thank the staff of the committee for their assistance.

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

LOCAL GOVERNMENT (WASTE COLLECTION) AMENDMENT BILL

The Hon. D.G.E. HOOD (16:27): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. D.G.E. HOOD (16:27): I move:

> That this bill be now read a second time.

This Family First bill, introduced today, will require local councils within the metropolitan area of Adelaide that already collect rubbish on a weekly basis to continue to do so. So, the next few

minutes I will be talking absolute garbage, quite unlike my usual contributions, of course, even if I do say so myself—a perhaps foolhardy attempt to lighten the mood, Mr President!

Family First believes that fortnightly collections may result in health, odour and hygiene problems. As members know, I have a baby daughter, and fortnightly collections in families like mine, with young children, would, for example, mean used nappies being left outside in bins in the sun for up to two weeks. Under a fortnightly collection system, if a collection is missed—if someone is away on holidays, for example, or for whatever reason cannot put out the bins for a particular collection (which has happened to me when I have been away)—we could see people going a month between collections. I can assure you that is highly undesirable indeed, particularly, again, in cases of families who have young children who are therefore dealing with nappies on an all too regular basis.

My understanding is that Adelaide instituted a policy of weekly garbage collection following a substantial increase in rat plagues in the 1880s. The United Kingdom is often touted as being a main proponent of fortnightly rubbish collections; it has about 180 counties that collect recyclables once a week and general household garbage the next week—therefore, a fortnightly collection regime. It is no wonder that those UK counties now report a 23 per cent increase in rat numbers. An article in *The Advertiser* of 5 May, entitled 'Plague spreads like rat up a drainpipe', states that 'Britain is heading for a rat explosion'. It goes on to say:

> In the past year, local councils were called out to deal with 700,000 infestations…said the National Pest Technicians Association.

What are the reasons for this massive increase in rat infestation? As well as their having some immunity to poisons, one possible reason given, according to *The Advertiser* article, is that 'fortnightly rubbish collections—which can mean bins overflowing with rotting food—are fuelling a boom in the rat population'. I would submit that the last thing Adelaide needs is to have a rat and mice plague, as we did in the 1880s.

The former minister for the environment answered a question in this place on 3 March this year, explaining that her office was responsible for facilitating councils joining this trial. She noted the following:

> The waste trial currently taking place was something on which, when I was minister for the environment, we set frameworks, sent out expressions of interest to councils encouraging them to consider participating in the trial and, having done that, took the next step, if my memory serves me correctly, and established an information forum where we informed interested councils of parameters around the trial.

By the way, the former minister for the environment was also the minister assisting the minister for health. I think the minister, in pushing for this initiative, could have been working against (at some level anyway, according to the evidence from overseas) the interests of the health of South Australian families.

The United Kingdom at least has the benefit of colder weather. Adelaide often has days over 40 degrees in summer—as we experienced over the past two summers. In those circumstances, I think most people understand the problems that could be created by a fortnightly garbage collection.

I also put on the record that many United Kingdom councils are now reconsidering fortnightly garbage collections because of the rat problem and other health issues that have resulted from the fortnightly rubbish collection regime. Indeed, there is mounting evidence in the United Kingdom that fortnightly rubbish collections do nothing to encourage recycling. A report by the UK Commons Local Government Committee, which was released about a year ago, concluded that fortnightly rubbish collections were not proved to have led to increased recycling. It further advised that more research was needed into the public health risks arising from food rotting in garbage bins for an extended period of time. Certainly, it appears that the tide is turning against fortnightly collections in the UK, where the regime has been trialled.

I take the opportunity to address an issue raised by the Mayor of Prospect on FIVEaa, on the Leon Byner Show, on 8 May this year. He said:

> We surveyed [some] 10,000 households, we had 5,000 responses on this. Ninety people were absolutely against fortnightly collection. We take that on board, but we had more people demanding that we introduce this sooner rather than later.

The figure mentioned by the mayor does not sound too bad: he mentioned 90 negative responses out of 10,000 surveyed. I live in the Prospect council area, and I received the survey, and the

trouble with that statistic is that I can categorically say that there was nowhere on the survey for you to indicate that you did not want fortnightly collections.

So, those 90 people who have stated on the questionnaire that they opposed the fortnightly collection regime must have either written a covering letter to the survey questionnaire or they scrawled somewhere on the survey questionnaire that they did not want fortnightly collections. In fact, not only was there no opportunity on the document sent out to object to fortnightly collection but all the questions were slanted towards making it easier to introduce such a regime. Indeed, the flyer asked what I would regard peripheral questions, including:

- What is the best way to communicate waste management information to you?
- How can the council assist you in the transition from the current system to the proposed new system?
- Which questions on the' Frequently asked questions' list did you find most helpful?

There was no question asking whether or not residents wanted fortnightly collections. In a recent British survey, which included the question of whether residents preferred weekly or fortnightly collection, 94 per cent of the 10,379 people who responded opposed fortnightly collections. I suspect that the result would be similar if the Prospect council and other councils considering a fortnightly collection regime properly surveyed their residents. I note that the City of Norwood Payneham and St Peters has now scaled back its trial after it also met with stiff community opposition to the scheme, and I acknowledge the work of Grace Portolesi, the member for Hartley, in the other place in that regard.

The other issue relates to current health regulations. As the Hon. Stephen Wade also noted on the Leon Byner program yesterday morning, I think it was, regulation 4(2) of the Public and Environmental Health (General) Regulations 2006 requires residents to dispose of their garbage on a weekly basis. The regulation provides:

> The owner of premises must take reasonable steps to ensure that refuse on the premises that is capable of causing an unsanitary condition is disposed of as often as may be appropriate in view of the nature of the refuse, but in any event at least once a week.

The basis for the regulation is in section 15 of the Public environmental health Act 1987, which provides:

> (1) If premises are in an unsanitary condition, the authority may, by notice in writing, require an owner of the premises, or any other person who is apparently responsible for causing the unsanitary condition or allowing the unsanitary condition to occur—
>
> (a) to take specified action to improve the condition of the premises; or
>
> (b) to desist from a specified activity to which the condition of the premises is apparently attributable.

Who was the authority? The interpretation section of the act tells us. It provides:

> (1) In this act, unless the contrary intention appears—*the authority* means—
>
> (a) in relation to a local government area—the local council for that area.

We are left with the completely unacceptable solution that the council, which may have moved to fortnightly collection, is required by the act to enforce weekly rubbish collections. Clearly, this is a clear contradiction and a clear conflict of interest. That dichotomy is the reason why we need a bill, such as the one I am proposing today, which requires councils to collect garbage on a weekly basis. This is an issue that has attracted media attention in the past few days and, no doubt, it will continue to attract attention in the future.

I understand that there are councils which have been considering moving down this path for some time and others which have moved away from it. For example, the Burnside council considered going down this path. The council conducted a trial, but the trial was abandoned after only two weeks. I understand that it was scheduled to continue for several months, but it was abandoned after only two weeks because the residents simply did not want it.

My very strong view is that, on the whole, South Australians do not want fortnightly rubbish collection, but it has been forced upon them. Clearly, if the councils are pursuing this regime, they are acting in breach of the regulations, which require a weekly collection as the minimum. For that reason, I believe this bill deserves support from members on all sides of the council, and I look forward to debate on the bill.

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

PANTER, DR D.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:38): I table a copy of a ministerial statement relating to Dr David Panter made earlier today in another place by my colleague the Hon. John Hill, Minister for Health.

NATURAL RESOURCES COMMITTEE: MURRAY-DARLING BASIN (VOLUME 1)

Adjourned debate on motion of Hon. R.P. Wortley:

> That the report of the committee, on water resources management in the Murray Darling Basin, Volume 1: 'The Fellowship of the River', be noted.

(Continued from 29 April 2009. Page 2098.)

The Hon. C.V. SCHAEFER (16:38): I rise briefly to support Volume 1 of the report of the Natural Resources Committee on the management of the Murray-Darling Basin. This report was tabled on 26 March and is the first of a number of reports—certainly three, if not more. The Natural Resources Committee, a standing committee, has a watching brief over the management of the River Murray and water supplies as they apply in South Australia. We have taken it upon ourselves to travel pretty much the length and breadth of the Murray-Darling Basin in an effort to understand the intricacies, if you like, of the management of the system and why we find ourselves in the parlous state that we do.

I will quote quite a bit from the Presiding Member's foreword. I acknowledge the Presiding Member, John Rau; our staff, Knut Cudarans and Patrick Dupont; and the other members of the standing committee. I know that a number of us have said this previously, but I have been here a while now and have been on a number of standing committees and, without a doubt, this is the best standing committee I have been on. It is probably the hardest working, but it is also a committee that has managed to reach consensus on almost every occasion without fear or favour from within the political ranks of the various parties represented. Perhaps an example of that is that the Natural Resources Committee will have met three times this week.

The crux of what we learnt, I think, in our first trips which encompassed Deniliquin, Meningie and the Queensland-New South Wales beginning of the Murray-Darling system could be summed up by saying that, the more we know, the more we know we do not know, and that it is very easy to blame those upstream for the difficulties that we have down here and equally easy for them to blame us. In fact, unless we can reach a national solution, the entire system and the societies and communities based upon that system are doomed.

We learnt that there are communities along the length of the river who are suffering at least as much as we are in South Australia. We learnt that the systems used for allocation are vastly different. We are the only state which has what is called high security water which enabled us originally to have permanent plantings where the states that have favoured the growing of perennial and annual crops such as rice and cotton have been able to take water only when the river is running. In other words, they can take a proportion as it runs past.

We have enjoyed the fact that we have not needed to build storage because we have had high security water. Sadly, those days are gone and we must adapt as a nation and a society. As is stated in the Presiding Member's foreword:

> ...the Murray Darling Basin is a huge, but intrinsically interconnected ecosystem. Everything that occurs throughout the Basin has consequences both upstream and downstream...Agriculture starved of reliable inflows of water is going through dramatic and painful restructuring. Entire communities, whose long established prosperity relied upon horticulture (particularly citrus and stone fruits—

and I would add to that wine grapes, all of which are permanent plantings—

> have been pushed to the brink, and in some cases beyond. The high security water licences, upon which these farmers have long depended, are no longer reliable...Rural communities and towns throughout the Basin are being squeezed, depopulated and impoverished.

We found that there was at least the same sense of desperate urgency in places like Deniliquin as there is in the Lower Lakes of South Australia. We found two reasons for that. One reason is the historical overallocation and the impacts of that.

Interestingly, we were accompanied on one of our trips by Professor Mike Young, who is considered to be one of the authorities on the Murray-Darling rivers. He showed us a series of graphs which showed quite clearly that, at the time that the allocation of most of these licences

took place, they were probably the wettest 50 years ever in Australia; and so, again, no-one can be blamed. It is no-one's fault that there is overallocation. The overallocation took place at a time when we believed that it was a sustainable allocation.

The other cause, of course, is a prolonged drought. Some say that it is one of the worst droughts in 100 years and others say that it is the worst drought in 100 years. No-one knows whether this is a permanent climate change or whether, in fact, it will be broken by decent rain soon. One of the pieces of evidence we were given, however, is that, if flows are to return to what we would historically consider normal, we would require above-average rains over the catchment for something like five years. One hopes that will happen, but the chances of that happening are quite remote.

Another statistic which was presented to us and which I think is little understood or appreciated, is that small reductions in rainfall produce much larger reductions in inflow. The figure that was quoted to us is that 10 per cent reduction in rainfall results in a 30 per cent reduction in flows. As a committee we do not pretend that we have answers. As a committee, however, we do believe that our series of reports can bring a far deeper knowledge of the systems of what is necessary for us within this state and, indeed, within the whole system. It is summed up in the following words:

> The present crisis in the Murray-Darling Basin is a product of prolonged drought magnified by a totally unsustainable water allocation across four states. To the extent that this problem is capable of rectification, the process will be long and painful. Communities and livelihoods will be devastated and perhaps destroyed. Farming families who have been on the land for generations will have to consider a new life. Towns and cities will have to consider alternative secure sources for potable water. Agricultural and horticultural production will need to change and in the Basin as a whole will probably have to diminish. None of these outcomes are pleasant or easy to manage either at a personal level or at a political level.

I wish that I could say something more positive than that. The only positive thing that I can say is that, when we returned to the Riverland, to Renmark and that area, a fortnight ago, we were all heartened by the positive attitude of those who have decided to stay on. Many of them have reduced the size of their crops so that they can water what they have left sustainably. They have a marvellous fighting spirit and a great community attitude.

Agriculturalists historically have been wonderful at adapting to hard times, and I believe that, with the support and goodwill of people up and down the basin, they will continue to survive and, hopefully, one day again they will thrive. Again, I would like to thank the staff and my other committee members. I commend this report.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: INQUIRY INTO THE INDEPENDENT GAMBLING AUTHORITY

Adjourned debate on motion of Hon. Carmel Zollo:

> That the report of the committee, on an inquiry into the Independent Gambling Authority, be noted.

(Continued from 29 April 2009. Page 2100.)

The Hon. T.J. STEPHENS (16:51): I rise briefly to speak to the Hon. Carmel Zollo's motion regarding the inquiry into the Independent Gaming Authority (IGA). From the outset, can I say that it was quite a long inquiry, and I thank all interested parties for coming along, giving evidence and giving us what I thought was a pretty good insight into the IGA. I would also like to compliment—and this will be one of the few times I do—the Hon. Bernard Finnigan for his chairmanship of the Statutory Authorities Review Committee. I must say that I enjoyed working with the Hon. Bernard Finnigan.

Generally, the Statutory Authorities Review Committee does manage to put party politics aside. It is quite an objective and hard-working committee. Whilst the evidence that we took was quite broad and wide-reaching, as far as conclusions go, what I basically took out of our committee was that the IGA fulfilled its duties in a reasonable manner. I was also quite reassured that the Office of the Liquor and Gambling Commissioner fulfils its role more than competently. At this point I get the opportunity to thank Mr Bill Pryor for his past service with regard to the Office of the Liquor and Gambling Commissioner. He is highly respected and quite a competent fellow, and I am sure he will be sadly missed.

One of the things that I thought came up consistently—whether by the concerned sector, the gambling industry or any other interested parties—was the concern expressed about

Mr Stephen Howells' quite abrasive and gruff manner. Often, if it were just one particular sector complaining about the way a presiding member was presenting themselves, you might think there was some bias. However, we heard from a number of people that they were quite concerned about the way Mr Howells related to people in all walks of life. In the future, I would like to see that people who take on such positions treat all people who appear before them with due respect, whether they be the smallest of the small or the tallest of the tall.

The Hon. Carmel Zollo spoke to this report. To be fair to our new presiding member, the Hon. Carmel Zollo really did not sit through any of the evidence and had to rely on reading through this report to get up to speed. As I said, the Hon. Bernard Finnigan quite ably chaired the committee. Whilst the Hon. Carmel Zollo could not contribute a lot to her particular motion, other than the basics, she has gone to great lengths to talk about her time as the minister for gambling.

There is one thing that I would like to know, given that she has touched on this particular subject. Some time ago, the Premier beat his chest about the fact that he was going to remove 3,000 poker machines from the industry in South Australia. We have been waiting for some time to see the 3,000 machines removed. I personally thought it was a bit of a nonsense, because I believe that if you have 32 machines in a venue you can do the same amount of business if you have 40 machines. Nonetheless, the measures were supported at the time.

There has been a reduction of 2,200 poker machines over many years. Quite obviously, the issue of the 3,000 machines has dropped off the radar to some degree. The Hon. Carmel Zollo talks about the fact that the government has flagged the removal of the fixed price on gaming machines to assist us to reach the target reduction of 3,000 machines. Well, they say 'Slowly, slowly catch the monkey'; but, if this government moved any more slowly on this particular measure, it would be absolutely farcical; it is moving at glacial speed. I would be interested, if someone from the government would like to report back to us, to know whether they do or do not intend to move with this legislation. It has been broadly spoken about, and I think the removal of the cap would probably have broad support, yet nothing in particular is happening.

With those few words, I would like to acknowledge those who sat through this inquiry, which took quite a period of time. I must also acknowledge that you, Mr President, were on the committee for a period of time during the IGA inquiry. On the committee we had the Hon. Rob Lucas, the Hon. Caroline Schaefer, the Hon. Ian Hunter, the Hon. Michelle Lensink and the Hon. Nick Xenophon. In fact, this inquiry covered a period of nearly five years. A number of committee members have come and gone, and I think I am probably the only one who has sat through the whole inquiry.

I would very much like to thank Mr Gareth Hickery, our very competent secretary and Ms Jenny Cassidy, our former research officer, who I thought was an incredibly competent person. This is also an opportunity for me to sing her praises and wish her very well for the future. I would really like to thank her for the way she went about her work not only with this inquiry but with the other work that we have conducted in SARC. I know that the Public Service's gain is our particular loss. She will be very competent in whatever she takes on.

Ms Lisa Baxter, our new research officer, has shown that she is quite capable of picking up the pieces and has completed this particular bit of work, and I thank her for that. I would also like to mention Ms Cynthia Gray, who is long-serving and hardworking. I certainly appreciate what she does for our committee. With those few words I support the motion.

The Hon. B.V. FINNIGAN (16:58): I rise briefly to commend the motion to members and thank the Hon. Mr Stephens for his kind remarks. The Statutory Authorities Review Committee was a very good committee to work on, as I said in my last contribution, in relation to the annual report. It is productive to be able to work on a committee where most things are done by consensus between members.

As the Hon. Mr. Stephens indicated, a number of issues came out of this inquiry, perhaps not as many as some had expected when it began. One of those was certainly the behaviour and conduct of the former presiding member, Mr Stephen Howells, in particular in relation to public hearings. Not having actually seen how he dealt with people, I am probably not in a position to reflect on it but, certainly, there were some who had concerns about his manner and approach to witnesses in authority hearings in particular.

Mr Howells seemed to take the view that organisations which were presenting to the IGA, including churches and other groups within what is known as the concerned sector, were fairly well

resourced prominent organisations that could afford to have legal representation, as could the major hoteliers, the Casino and so on.

While I understand the point that one would not regard the Anglican Church, Anglicare or any of those organisations as small or insignificant, nonetheless, I do not accept the principle that they should have to go out and hire silks to appear before the Independent Gambling Authority in order to put across the point of view of those who are dealing with problem gambling in particular.

The hotels and those who make money from poker machines and other forms of gambling make quite a bit of money from them, and I think that, when appearing before the Independent Gambling Authority, it is not unreasonable that they are placed on the same footing as a small community organisation or a larger charity. Given the demands on the services of those who look after people affected by problem gambling, I think it is unreasonable to expect that they should spend many thousands of dollars to retain expensive legal counsel.

Another issue that was discussed was the division of responsibilities between the Independent Gambling Authority and the Office of the Liquor and Gambling Commissioner. While I understand that some have concerns that there have not been many prosecutions or interventions undertaken by the commissioner or his office, it does not seem to make a lot of sense to me to have two inspectorates, given that a number of inspectors are employed by the Office of the Liquor and Gambling Commissioner to inspect licensed premises in respect of both liquor and gambling licences. This would double up the resources and thus lose certain economies achieved by having the same inspectors serve both premises. On the evidence presented to the committee, I am not satisfied that, in relation to gambling, there is a compelling case for removing the inspectorate role from the OLGC and transferring it to the IGA.

Problem gambling was discussed in some detail in the inquiry. I recognise that there is a great concern in the community—and I share that concern—about problem gambling and what can be done to address it, alleviate it and prevent it and help those afflicted by it. However, as the Hon. Mrs Zollo stated in her contribution, it is important to note that this was not an inquiry into problem gambling as such; it was about the role the Independent Gambling Authority can and could play to address problem gambling, rather than the broader question of what can be done regarding problem gambling itself.

I think it is important to note that, while individual committee members and those appearing before the committee may have strong views about the role of gaming machines or other broader questions in relation to gambling, that was not and is not the scope of the inquiry being undertaken by the committee. However, it certainly was interesting to me to hear some details about initiatives to combat problem gambling and how significant the problem is.

In particular, the SKYCITY Casino has an interesting program, and I commend it on that. I understand that a number of people go through the casino seeking to intervene where they believe a person has a gambling problem because of their behaviour, prolonged play, losing money or what have you. While I am not aware of all the details, I understand that the program is quite successful in identifying people who cannot control their gambling behaviour, particularly in regard to gaming machines, and I think it has certain merit and ought to be considered more broadly in relation to problem gambling in other venues.

I thank the members of the committee and the committee secretariat for their assistance. In particular, I acknowledge the Hon. Mr Hunter, who did quite a bit of work to help edit the report. He and I came up with an amended draft after our research officer left, as it did not seem fair that, since she had a lot of other inquiries to catch up on, our new research officer, Ms Baxter, also wrap up this inquiry, given that it had been dragging on for some time.

The Hon. Mr Hunter was certainly of considerable assistance in preparing a draft, and I am pleased that all those members involved in the inquiry were able to agree on the final report. I believe it is one that deals with its terms of reference very well, and I commend it to members. Again, I offer the members of the committee, particularly my successor, the Hon. Carmel Zollo, every best wish for their endeavours in the future.

Motion carried.

FREEDOM OF INFORMATION (VICTIMISATION AND INTERFERENCE) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (17:06): Obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

The Hon. R.L. BROKENSHIRE (17:07): I move:

That this bill be now read a second time.

I rise today to introduce a bill that I hope takes us back to the original spirit and intent of the freedom of information laws. During my time in parliament, I have been quite familiar with these laws, both as a minister and a shadow minister and now as an Independent watchdog member of the Legislative Council. One issue I was first briefed on when I became a minister was that, with respect to freedom of information laws, I would not be advised on what was happening within my agencies and departments when they were freedom of information requests unless they directly involved my ministerial office.

That advice was given to me by a member who had been a long-standing minister of government, based on the premise and intent of the freedom of information legislation, namely, that it be freedom of information for South Australians, members of parliament and the media. I guess that also kept me on my toes to ensure that my knowledge was as good as possible with respect to what was happening within the agencies and departments for which I had responsibility as minister.

I will not retrace the full history of FOI laws as that will be for other members in their contributions, but I will highlight two significant events. First, the Freedom of Information Act was introduced—and I understand it began in South Australia as a private member's bill (which is another example of such bills becoming law)—by the Hon. Martin Cameron for the Liberal opposition early last decade, and it was then superseded by a government bill led by the Hon. Greg Crafter, who stated that the bill's three major premises were:

1. The individual has a right to know what information is contained in government records about him or herself.

2. A government that is open to public scrutiny is more accountable to the people that elect it.

3. Where people are informed about government policies, they are more likely to become involved in policy-making in government itself.

They are commendable statements from the Hon. Greg Crafter. A significant event in recent history I will refer to is what occurred on 1 January 2005. A policy was promulgated by gazettal on a very quiet media day: 1 January 2005. So, it was gazetted on 1 January 2005, and it was entitled 'Processing FOI applications, FOI process guide general, guideline January 2005, version 9', and it is on the State Records website. These guidelines set forth a whole range of policies and procedures that FOI officers are required to follow.

I highlight to the council that these are government guidelines, not law. It is simply a policy that the government decided to put up, for reasons of which I am suspicious. Even though some FOI officers that my office deals with think that what the government sent through with that gazettal is law, we have had to point out on occasions to these FOI officers that the policy is not law and that they may be in breach of their legal duties under that legislation by following those guidelines and not following the legislation as passed by the parliament of South Australia.

The section of the act through which these guidelines were issued has nothing to do with what those guidelines describe. The section empowering production of such guidelines was only about enabling statistical tracking of FOI requests and compliance. That was the sole intent there, so there was a record of FOI requests and when they were compiled by FOI officers. It was not to enable the government of the day to direct public servants, accredited FOI officers, as to how they answer particular requests for information. That was never the intention of the legislation.

What I find particularly offensive about these guidelines is that they require ministers to be given copies of a member of parliament's FOI request two days before the member of parliament receives the response. These guidelines instruct FOI officers to give the minister all the information about the freedom of information request before the member, the media or a member of the public gets the information, and that is wrong in my opinion, and I hope colleagues will see what I am on about and support these amendments. To quote from page 7 of the guidelines:

When the application is received, it is important to decide if the application is significant and/or sensitive and whether the minister should be notified.

That is a remarkable quote. By sensitive, do they mean embarrassing to the government? Probably. Why on earth is a public servant required to determine whether an application might be sensitive to the minister and the government of the day? That is not the function or the responsibility of an FOI officer to see whether or not information the subject of an FOI request is sensitive to a minister or the government of the day. If it is sensitive information or information that

relates to things the government has done wrong, the minister should be on top of it and, if the minister is not on top of it, he or she should cop the flak for that situation or be replaced. We should not put this pressure on to FOI officers. It is not their function at all.

The only provisions of the act referred to as 'sensitive' talk about issues personal to private individuals. That is like their place of address or their health situation. The law does not mean sensitive in terms of explosive or having the potential to embarrass the government. If members look back through the original legislation passed, they will see that that was never the intent of that provision within the Freedom of Information Act. In further reading from page 7 of the guidelines, it states:

> Notify your minister's office through your accredited FOI officer immediately if you receive an application from a member of parliament or from the media. If the application is considered to be sensitive in nature, or involves information of a non-personal nature, e.g. budget papers, reports and contracts etc., or if you are aware that a similar application has been made to another agency.

That is unbelievable! It says: notify the minister that there is a problem that could embarrass the government and let the government doctor that information and get it out into the media before the member of parliament, the media or a community member receives the information they have requested.

How does the government justify this guideline? Often, my request made to several departments end up being—and this is interesting, too, nowadays—administered by the Department of the Premier and Cabinet. Why is that? I put in FOI applications to agencies that have no direct responsibility whatsoever to premier and cabinet, yet we find out that the Department of the Premier and Cabinet take control of the FOI application. Off the record, I am aware of two instances where ministers' officers have actually gone to journalists with the content of my own freedom of information requests before I had even sighted the outcome of that request myself. I ask: how did this happen? Paragraph 2.16 on page 15 of the guidelines states:

> Where the minister's office has specifically advised that they wish to see the final determination...then determinations in relation to the following kinds of applications should be forwarded to your minister's office—

and I highlight this—

> two full working days prior to the determination being released to the applicant...applications made by members of parliament, applications made by the media or all applications that are not about personal affairs, e.g. budget papers, reports, contracts, etc.

I have to hand it to the people who drafted that document for the government, or the people who directed its drafting. It is the work of a very clever government. By using wording in the act like 'sensitive' and 'consultation', they have twisted it to give the government every tip-off it needs before it might be embarrassed. Because of that policy document and the deficits exposed in the Freedom of Information Act by the government's actions, Family First proposes three reforms in this bill.

One reform is that whistleblower protection is to be extended to freedom of information officers by proposed new section 49A in the act, importing the wording and concepts from the Whistleblower Protection Act. An accredited FOI officer should not fear anyone when seeking documents within a department and when releasing documents. There should be no fear of demotion, sacking, loss of promotion opportunities, or any other detriment to a fearless member of the Public Service who releases documents under FOI without concern about the political consequences.

The guidelines that I have mentioned require these same officers to consider, effectively, whether the documents might embarrass the government and tip-off the government accordingly. Strong whistleblower protection in the form of anti-victimisation provisions will ensure that these officers can be fearless in the performance of their important duties to members of parliament, the media and the South Australian community.

The second reform in the bill that I am introducing is proposed new section 49B, which relates to interference with an FOI application. My view—as I was trained and as I applied it in my ministerial career—is that you do not interfere with FOI applications. FOI officers are too polite and possibly scared to admit to me when an FOI is being delayed. That is another thing that I have found lately: more and more delays; not the 28 days stipulated in the act, but delays. Those officers are too polite and possibly scared to admit to me that an FOI is being delayed because the minister has got wind of the application and is concerned about what might come out in the public arena.

This is simply not on. The delay of an FOI—or a refusal—ought to be a genuine delay or refusal and not a delay for political purposes.

The other thing I find odd is that several departmental FOI officers have another job. Would you believe that they are also ministerial liaison officers, or are situated within the minister's office? This provision will ensure that that cannot be the case. Clearly, there is a conflict of interest. How can you perform your duties to the letter of the law on freedom of information if you also have a job as a ministerial liaison officer, advising and liaising with the minister? It is a clear conflict for those people.

Those people may be well trained and competent as FOI officers, but they should either cease performing that function, or perform that function alone outside working for the minister. Herein lies one of the shades of grey when staff, for instance, are seconded to a minister's office from a department. This interference provision will ensure that, when it comes to accredited FOI officers, a departmental officer cannot be situated within a minister's office. We need a strong and independent Public Service, not one where FOI functions are tampered with for the expediency of the government of the day.

The third reform is proposed new section 49C, which requires applications to be kept completely confidential. There is no need to tip off anyone, be it a minister, their staff or the media. A government should know what information it holds and should be doing its job. This provision empowers applicants to have greater control over how their application is handled and who takes an interest in what they are seeking.

I will be looking to the opposition to support this bill. I ask my crossbench colleagues to have a good look at this, because it is particularly important for those of us who are in watchdog positions on the cross benches. We will never be in government, but we have a significant and important role to play as watchdog MPs. One of the ways that we can do that is with FOIs. One does not get a lot of information in this council and, certainly, one does not get it in a hurry. FOIs are very important for good democracy.

I note that today the Leader of the Opposition in this council expressed concerns over exactly what I say is happening to me and, I am sure, to other colleagues. I will be very disappointed at the very least if the opposition does not support this bill, because it specifically covers the first question asked in this council today by the Hon. Mr Ridgway.

I conclude by paying a brief tribute to FOI officers. Theirs is actually a thankless job, and I have great respect for all of them. I have found them to be constructive, polite, friendly and understanding in the various freedom of information applications that I have made. Together with my staff, I have at times found when working with them that their job is incredibly difficult. They are compromised because of those guidelines, which are only that: guidelines set up by this government. The guidelines have never before been designed for FOI officers, as I understand it. These guidelines have been set up just to try to circumvent the legislation passed by the parliament. My bill is intended to offer FOI officers the protection they deserve so that they can do their job without fear or favour to the government of the day. I urge members to support the bill.

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

COMMONWEALTH NATION BUILDING PROGRAM

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

That the regulations under the Development Act 1993 concerning Commonwealth Nation Building Program, made on 26 February 2009 and laid on the table of this council on 3 March 2009, be disallowed.

(Continued from 8 April 2009. Page 1925.)

The Hon. B.V. FINNIGAN (17:23): The government opposes the motion. At a special meeting of the Council of Australian Governments on 5 February 2009, all state and territory governments endorsed the commonwealth's nation building program, which includes a $28.8 billion investment in schools, housing, energy efficiency, community infrastructure and roads. To ensure timely and effective implementation of the program, the Council of Australian Governments agreed to the creation of both commonwealth and state coordinators-general to oversee its implementation.

The program identifies the need to deliver the financial stimulus as quickly as possible and has established time frames within which projects must be approved for funding. Primary school facilities are to be prioritised into three funding rounds: round one projects are to be constructed no

later than June 2009; round two projects must start by July/August 2009; and round three projects must start construction no later than 1 December 2009. All primary school facilities are to be completed by June 2011, and construction of science and language centres is to be completed by June 2010.

Funds for stage one social housing projects are to be allocated by 1 April 2009, and the projects are to be constructed within the 2008-2010 time frame; funds for stage two will be allocated by 30 August 2009, and projects are to be constructed during 2009-2012. Amendments to the Development Regulations 2008, made under the Development Act 1993, are considered necessary to ensure the timely and effective delivery of projects funded under the program within the time frames established by the commonwealth. Failure to meet these time frames will result in loss of commonwealth funding.

The government opposes the motion to disallow. The Hon. Mr Parnell has made points about not wishing to circumvent the processes of the Development Act. These regulations were made to ensure that massive commonwealth funding to build infrastructure in our state is not jeopardised. The government maintains that that is the correct position, so it opposes this disallowance motion.

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

VICTIMS OF CRIME

Adjourned debate on motion of Hon. J.A. Darley:

That the Legislative Review Committee inquire into and report on:

1. The effects on the court system and its participants of extending the right for victims to deliver a victim impact statement in any court to cases where the defendant has been convicted of a summary offence that has caused serious harm, that being harm that endangers, or is likely to endanger, a person's life, or harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function, or harm that consists of, or is likely to result in, serious disfigurement.

2. The current effects and consequences for the court system and its participants of allowing a victim to submit a victim impact statement in the court for an indictable offence.

3. The types of systems, facilities and services that should be in place to aid and assist victims involved in the criminal justice system.

4. Any other relevant matters.

(Continued from 8 April 2009. Page 1931.)

The Hon. S.G. WADE (17:26): I rise to indicate that the opposition will support this motion, which will not surprise the council because it is an issue that has been well thrashed out in the context of the government's Victims of Crime Bill. The opposition's view is that the Legislative Review Committee is an appropriate body to consider the interaction of the victim impact statement provisions and the operations of our courts.

The fact is that the state has had a very noble tradition of attorneys-general who have been concerned about the possibility of floodgates being opened as victim impact statements are made available to more and more victims. That is why, over the past three or four years, this council has had a tug-of-war (shall we say) with the Attorney-General about the scope of victims who can have access to victim impact statements, and the opposition notes that in that context the Attorney-General is one of a long line of attorneys-general who have been very cautious about expanding the scope of victim impact statements. I am told that, on each occasion attorneys-general raise concerns about the floodgates opening, they say that the courts would be overwhelmed by victims wanting to take up their rights to make victim impact statements.

In recent years this Legislative Council has been adamant that it wants to expand the scope of victim impact statements, and opposition members feel that, in the context of these two bills, in recent years the government has been too conservative—as it is in many areas relating to victims' rights. The Hon. John Darley, a very reasonable man, wanted not merely to assert the amendments but also to test the arguments put forward by the government. I believe his proposal to have this issue referred to the Legislative Review Committee for consideration is an extremely positive step; it is an opportunity, if you like, for the parliament to test its assumption that the executive is being too cautious in expanding the rights of victims.

I commend this motion to the council. It is an opportunity for us to be better informed about the way our laws impact on the operation of the justice system. I believe that, in bringing forward

this motion, the Hon. John Darley does a service not merely to victims of criminal offences but also to the criminal justice system by ensuring that those who have responsibility for administering justice in our state are given sufficient resources to achieve that role.

The Hon. B.V. FINNIGAN (17:29): Only the Hon. Mr Wade could chastise the government for being too conservative; it is good to see the Liberal Movement is alive and well in this place. The government opposes the motion.

I commence by commending the Hon. John Darley on his evident commitment to the interests of victims of crime, for which he has consistently advocated since taking office in this chamber, and the Hon. Mr Darley will be aware of a number of government contributions in the past in response to his initiatives in this regard—

Members interjecting:

The ACTING PRESIDENT (Hon. I.K. Hunter): Order!

The Hon. B.V. FINNIGAN: I draw honourable members' attention to contributions of that kind, particularly in addressing the Hon. Mr Darley's amendments to government legislation. Most recently, on 28 April this year, the Leader of the Government (Hon. Paul Holloway) made remarks during the committee stage regarding an amendment moved by the Hon. Mr Darley to the Statutes Amendment (Victims of Crime) Bill.

The government reiterates those concerns about the potential for further pressure on the courts system were we to adopt the Hon. Mr Darley's definition about when victim impact statements should be permitted. However, I commend the Hon. Mr Darley for seeking to use the parliamentary committee system as it was intended, that is, to address issues of concern to members, rather than setting up yet another select committee to waste time and resources.

While the government opposes the motion, I acknowledge that the Hon. Mr Wade has indicated the opposition's support, and I indicate to the Hon. Mr Darley that, if a majority of members support his motion, I do not intend to divide on the question.

The Hon. J.A. DARLEY (17:31): I thank honourable members for their contribution, especially those who have indicated their support for the motion. I believe this inquiry will provide an opportunity to review the way in which we deal with victims of crime in South Australia, as well as to look more particularly at the way in which victim impact statements are delivered in court.

Since I moved the motion, there has been a very clear example of the importance of this inquiry and the need for victim impact statements in all courts. My staff recently attended court for the sentencing of Diemould Tooling in the Industrial Court. The company was charged with failing to maintain a safe workplace, which resulted in the death of Daniel Madeley. His mother, Andrea Madeley, who wanted to read a victim impact statement in the court, was shocked when she was told that she had no right under the law to read out her statement in the court while the defendant was present.

She thought that surely legislation would have been passed giving her that right, as three years ago she had strongly advocated to have that legislation passed as soon as possible. Fortunately, the judge in this case granted her leave to read her statement, but not before the defendant's solicitor stood up in court and said that there was no law that gave her the right to do so. It was only through the indulgence of the court that she was able to continue. I am told that there were a few nervous moments, as Andrea Madeley had waited six long years for the matter to be finalised in the court and for her to have the opportunity to read her statement.

For her, this opportunity was vital in terms of putting on the record how her son's death had affected her life and being given the right to have the defendant hear the many questions she asked about why they had allowed her son to work under such conditions. This opportunity to read her victim impact statement enabled her to have some closure in terms of getting justice for her son. With those few words, I commend the motion to members.

Motion carried.

KANCK, HON. S.M.

Adjourned debate on motion of Hon. David Winderlich:

That this council—

1. notes the remarks made under the parliamentary privilege on Thursday 19 February 2009 by the Hon. Michael Atkinson concerning a former member of this council;

2. affirms the important role of parliamentary privilege as a means of enabling members to bring important truths to light and to speak out on behalf of ordinary people against powerful vested interests and urges all members to use this privilege judiciously and for the greater good rather than to pursue personal agendas and vendettas; and

3. conveys this resolution to the House of Assembly.

(Continued from 25 March 2009. Page 1738.)

The Hon. J.A. DARLEY (17:34): I rise to make a very brief contribution to this motion. I indicate that I do not support this motion, as I think that more than enough time has been taken up in this chamber on a motion such as this. I think there are much more important issues that demand our attention, other than bothering to engage in a game of who said what, with or without the protection of parliamentary privilege, and I therefore reiterate that I do not support the motion.

The Hon. A. BRESSINGTON (17:35): I also rise to make a brief contribution, which I will read so that I do not put my foot in my mouth. I think it says a lot of the Hon. David Winderlich that he would move this motion in what he believes is in defence of the Hon. Sandra Kanck—that is my interpretation. It shows loyalty to his party and to someone who was a member of this council for 16 years. The Hon. Sandra Kanck no doubt believed that she served her particular constituency well and held the party line on issues, and those issues are what I believe has brought the Democrats to their present position.

I stated in my farewell speech that the Hon. Sandra Kanck was a person who I believed had a kind heart. I know of people she fought desperately for in matters relating to child protection and the Family Law Court, and I have heard from others that at times she was reduced to tears in her efforts to try to get some level of justice for those people. I also know how frustrating it can be to try to penetrate the barricades that are put up in what I believe are efforts to cover up incompetence and, often times, gender prejudice in those particular arenas, but they are other stories for other days.

I also saw in the Hon. Sandra Kanck a person who was able to show compassion and thoughtfulness at times, and I believe these are the qualities that should be acknowledged. These are the character traits that define who and what we are outside of this place, and they are qualities that in the political arena are rarely identified, let alone acknowledged, by those with whom we share this chamber. That is basically the nature of the job we have and the work that we do.

I have read and reread the speech made by the Hon. Michael Atkinson on Thursday 19 February, and I must say that in that speech there is little I can refute in the matters that he raised that I bore witness to. He has addressed the actions and behaviour of the Hon. Sandra Kanck, based on her performance. I see no personal attacks in any of the comments that he made, and I see nothing in the comments or in the speech that are not already available on the public record. The truth is that, in respect of some of the occasions that the Attorney-General mentions in his speech, the Hon. David Winderlich is asking us to defend the indefensible and put it down to an abuse of parliamentary privilege, which I do not believe is the case.

I was in this chamber the night the Hon. Sandra Kanck insisted on putting on the record ways and means used by some to commit suicide. I recall many of us trying to reason with her that night and convince her that it was an irresponsible action, yet she persisted and had her way. Then this chamber was forced to set a precedent, which was considered unparliamentary, by having that particular part of her speech struck from the record. I recall that the Hon. Rob Lucas was one of the members who objected to such an action because *Hansard* should not be altered and should bear witness to every word spoken in here.

Part of me on that night agreed with what he said, yet the other side of me also agreed that a person in this place should show a greater level of responsibility with the information put on that record. To this day, I am still not sure why the Hon. Sandra Kanck felt the need to be quite so explicit. It was almost as though she believed that she was the only person in here who related to the pain and anguish that so many go through who are emotionally stuck in depression, hopelessness and helplessness. If that is the case, I believe she was being presumptuous.

Our concern, and mine in particular, was that people become quite desperate, and anyone contemplating suicide might stumble on this speech and then act on one of those methods. However, she was unable to appreciate the view that it was irresponsible. Of course, the most

disturbing part for me was that she would never know whether her words had affected anyone in such a way.

The honourable member attended a rave party; her face was plastered all over the paper and, as a result of this, her naive followers named an ecstasy pill after her—not quite the legacy that most of us would hope for in our time in this place. I still do not think that the Hon. Sandra Kanck was able to comprehend how difficult it was for parents to counter her antics and public comments on illicit drugs when so many of them were trying desperately to convince their kids that drugs bring pain and suffering in many cases and more often than not do not help anyone achieve their goals.

Public outrage was expressed in letters to the editor, via talkback radio, and I received many emails saying that we should insist on her resignation. She appeared to thrive on the controversy, and I must admit that every time she opened her mouth about drugs I would quietly give thanks, because it was an opportunity for the will of the people to be expressed and the anger, outrage and disbelief of her actions were an indication that the majority of the community had not bought the cruel hoax of the propaganda of the legalisation movement.

In her pursuit to normalise drugs and minimise the extent of the harm of these substances to our young, she was also not past misrepresentation of public figures to assist in her deception. In the lead-up to the debate on medical marijuana, the Hon. Sandra Kanck and David Caldicott held an information session where they aired a video on the need for marijuana to be prescribed for illnesses, and in that video, entitled *Wanting to Inhale*, they showed Dr Robert Dupont in the 1970s in his role as adviser to the White House advocating medical marijuana.

They failed to mention that Dr Dupont had publicly recanted his views and publicly apologised to the American people for misleading them on such a vital issue. I raised this in my speech on the bill, and in her rebuttal this was not mentioned, even though I tabled a letter from Dr Dupont himself expressing his disappointment in the Australian Democrats for using his image and words that were spoken over 30 years ago.

As some may know, Dr Dupont is the founder of the National Institute on Drug Abuse, considered to be one of the foremost authorities for research on the effects of illicit drugs. He has dedicated 30 years of his life to setting the record straight and undoing some of the damage he had done in his younger years.

The Hon. David Winderlich has stated that we should use privilege judiciously and for the greater good, rather than pursue personal agendas. I can say with confidence that Dr Dupont would have taken action if it were not for the fact that this particular abuse occurred under parliamentary privilege. In fact, just for the record, I will repeat the words of Dr Dupont that were spoken at an international conference in Atlanta, Georgia, in 1987, as follows:

> Not only is marijuana worse than alcohol and tobacco combined, but it has other distinctive properties that neither of the others have. I now consider marijuana to be the single biggest new health problem in our nation. For today's youngsters, kicking the marijuana habit, individually or as a group, is going to be a life and death struggle. My supporting decriminalization of marijuana was the worst thing I ever did. I hereby apologise to the American people.

I wonder what recourse Dr Dupont could expect from the Hon. Sandra Kanck, who used her position in this place to his detriment. I was also in this chamber the night she made the statement about giving bushfire victims a dose of MDMA to overcome their trauma. She added returned Vietnam vets to her list, and then was shocked that the media jumped all over it. She claimed that she had been unfairly misrepresented in the media on the intention behind her words.

She was advocating the use of a dangerous and illegal drug about which there is sound scientific research that no level of use of this drug is safe. She used the tragedies of others to pursue her liberal drug agenda. I am sure that the bushfire victims and returned vets would much rather have compassion and practical support in order to recover from their life experiences than to be used as a political football to make headlines.

In fact, the Democrats behaved as poorly as the Attorney-General (Hon. Michael Atkinson) has been accused of behaving, and perhaps the Attorney-General simply chose an inappropriate time to air his views on the conduct of another member. Most will recall that I did exactly the same on the day that the Hon. John Darley was sworn in, so it would be quite hypocritical of me to condemn another of the same conduct.

Perhaps I am also able to empathise with the Attorney-General on why he would use such a time to express his views on the occasion that he did. Can the Attorney-General be criticised for

abusing his position? That would depend on the perception of each person in this chamber today and whether or not selective memory is ruling the day, whether it is an opportunity to score political points, whether there are others like the Hon. David Winderlich who still somehow hold the view that we should all agree with the words and actions of others, or whether we are actually able to use our democratic right and freedom of speech to speak the truth.

I do not believe that the content of the Attorney-General's speech is defamatory in any way towards the Hon. Sandra Kanck, that his words have misrepresented her conduct in any way or that what was said by him can be seen to be inaccurate; therefore, I do not support this motion.

The Hon. R.D. LAWSON (17:44): Whilst I agree with many of the observations just made by the Hon. Ann Bressington about the various statements and campaigns of the Hon. Sandra Kanck, the subject of this motion is not the statements and campaigns of the Hon. Sandra Kanck: it is, in fact, the statements and comments made by the Attorney-General in another place. I indicate that Liberal members will be supporting this motion. The effect of this motion is to draw attention and to highlight, again, the unparliamentary behaviour of the Attorney-General.

This motion relates to a speech that he made on an adjournment debate in another place shortly after the Hon. Sandra Kanck had resigned. Ordinarily we would not bother with comments made in another place however offensive or obnoxious they might be. However, this particular speech of the Attorney was an egregious example of his tendencies to distort. The mover of this motion has focused on the fact that the Attorney's remarks were made under parliamentary privilege. My focus is somewhat broader than that. My party and I do not believe that the speech should ever have been made inside parliament or outside parliament.

As I indicated at the outset of my remarks, I am not here to defend every comment, speech or campaign of the Hon. Sandra Kanck—indeed, I disagreed with many of them. The point about this speech made in another place is that it was unbalanced, it was in many respects untrue (as the Hon. Mr Winderlich indicated) and in other instances it distorted the truth. It was petty, pusillanimous and meretricious. In other words, it was the unmistakable work of the member for Croydon.

It was also hypocritical, and 'hypocrisy' was the word just used by the Hon. Ann Bressington in her contribution. It reminds me of the ministerial statement made by the Attorney following the discovery by the media that the former DPP, Paul Rofe QC, had visited the Gawler Place TAB during office hours. The Attorney was full of indignation. In a ministerial statement, omitting immaterial words, he said:

> Mr Rofe QC...should set the highest standards of personal conduct...The people of South Australia are entitled to rely upon the public and private conduct of public officers, such as Mr Rofe's, being beyond reproach...Mr Rofe's conduct was less than desirable and at worst may have had the effect of diminishing public confidence not only in his own performance but in the performance [of his office].

He finished as follows:

> The government...will not tolerate any deviation from the expected standards of behaviour for a person in his position.

Despite these holier than thou words, some time thereafter it was revealed that the Attorney-General, when attending the chambers of the Chief Justice for a regular important meeting on public business, was found consulting the form guide in *The Advertiser*. Here he is, on the one hand attacking Rofe QC for not maintaining high standards and bringing his office into disrepute and there he is guilty of exactly the same conduct.

The PRESIDENT: Order! I inform the honourable member that he reminded the council that the Hon. Ann Bressington strayed off the motion. I think that the honourable member is tending to stray off the motion as well.

The Hon. R.D. LAWSON: There are many other cases where the Attorney has engaged in exactly the same type of campaign that he engaged against the Hon. Sandra Kanck. Members will recall that, when the Hon. Sandra Kanck's replacement was to be elected in this chamber at a joint meeting of members, the Attorney sought to raise the point that the Australian Democrats was a party of fewer than 150 members and to make other disparaging remarks about the Democrats, a point entirely irrelevant to the particular meeting, the purpose of which was to elect a representative of the party with whom the retiring member was associated, whether or not that party was a registered political association or entitled to be one by virtue of its membership.

The PRESIDENT: Order! I remind the honourable member that the motion refers to comments made by the Hon. Michael Atkinson on 19 February 2009.

The Hon. R.D. LAWSON: Indeed, and the motion talks about bringing important truths to light, to speak on behalf of people against vested interests, to urge members to use privilege judiciously for the greater good rather than to pursue personal agendas and vendettas. Perhaps I should focus on the personal vendettas and agendas—

The PRESIDENT: Order! All that relates to the remarks made on 19 February 2009.

The Hon. R.D. LAWSON: Indeed, but it is highly relevant to determine the proclivities of the honourable member.

The PRESIDENT: Order! I remind the honourable member that he was quick enough to pick up on the fact that the Hon. Ms Bressington strayed off the motion. I remind the honourable member that he should stick to the motion.

The Hon. R.D. LAWSON: Well, you certainly were not—

The PRESIDENT: Order! The honourable member has the call.

The Hon. R.D. LAWSON: Mr President, no point of order was taken against the Hon. Ann Bressington raising the important points—

The PRESIDENT: Not until you got to your feet.

The Hon. R.D. LAWSON: I quite understand why some would wish to defend the Attorney-General and not want put on the record relevant comments about the personal vendettas and agendas referred to in the honourable member's speech that the Attorney-General pursues. His description of the Criminal Law Committee as 'enemies of the people' and the 'usual suspects' are typical of those agendas and vendettas, as well as the recent attacks made by the Attorney in the House of Assembly regarding presidents of the Law Society.

Rather than laying a complaint in the appropriate forum—as indeed there is an appropriate forum—for overcharging or for professional misconduct, the Attorney-General chooses the forum of this parliament to attack certain former presidents of the Law Society, and then to name others as being the subject of some further possible attacks. All members will know how the Attorney has embarked upon personal vendettas and agendas against journalists such as Graham Archer and Hendrik Gout, who is his latest bête noire. They will remember, too, the attacks made on Professor Tony Thomas, about whom the Attorney-General quoted disparaging remarks made by a magistrate.

That might be a long time ago, but it is important because, on that occasion, the Attorney-General well knew that the remarks of the magistrate had been overruled by Justice Mullighan on appeal; however, once again, because the Attorney was running a vendetta in relation to a particular case, he was prepared, under parliamentary privilege, to make a savage attack upon that gentleman. So, all too often we see unparliamentary behaviour and abuse of parliamentary privilege from the Attorney-General. It is deplorable. We look forward to support of the motion.

The Hon. B.V. FINNIGAN (17:53): The government opposes the motion, and I think there is no clearer demonstration of why than what we have just heard from the Hon. Mr Lawson. We have spent 15 or 20 minutes of parliamentary time talking about who said what and when. What about the Attorney-General? Was he mean to the Law Society?

This is not some 19th century gentleman's drawing-room; it is a house of parliament, a house of robust debate where individual members are entitled to say what they think. We heard the Hon. Mr Lawson say that MPs are being picked on, that QCs are being picked on and that journalists are being picked on. These are the powerless whom the Hon. Mr Winderlich is so keen to protect—journalists, queen's counsels and members of parliament. These are not people who are powerless; they are people engaged in robust public debate—and long may that be so.

What we hear from the Hon. Mr Lawson and members opposite is that there should not be that sort of debate in the houses of parliament; instead, it should be all politeness and decorum. How dare the Attorney-General elect to criticise the Hon. Ms Kanck! This is a fatuous motion, it is a waste of time and it is indulgent.

While I note that the wording of the Hon. Mr Winderlich's motion is relatively innocuous, it is clear from his and other speeches that it is simply about an attack on the Attorney-General, who is the first law officer of the state. Why? Because he chose to make remarks about a former member

of this place in which he made clear that he disagreed with the Hon. Ms Kanck on a number of matters. That is the great crime that is the subject of this motion.

The Hon. Mr Lawson wants to establish the principle that we should spend most of our parliamentary time talking about what people said down there, what was said in the paper and what the Law Society had to say. That is all we have now to deal with—we in this place and the other place should spend all our time worrying about what other people are saying about us. The Hon. Mr Lucas is constantly coming up with nonsense and, if I spent all my time worrying about what Mr Lucas said in this place, I would do nothing else.

The Hon. Mr Winderlich made three key points; one was to defend the Hon. Sandra Kanck in relation to the remarks. I do not doubt that the Attorney-General stands by his remarks but, supposing that the Hon. Ms Kanck did feel aggrieved, she is entitled to write to the Speaker and seek a right of reply on the record which, in the lower house, is dealt with by the Standing Orders Committee.

Secondly, the Hon. Mr Winderlich said that the Attorney's speech was an abuse of parliamentary privilege. That claim is frequently made when one disagrees with the content of a speech, but one does not see members opposite worrying too much about parliamentary privilege when they are trawling through the gutter and maligning people's reputation left, right and centre, as they do so frequently.

Because one disagrees with a speech it does not mean that one has to say that it is an abuse of privilege. We all value and make use of parliamentary privilege, and to suggest that a reaction to something an honourable member has said is an abuse is to invite restriction of a privilege that we value so highly.

I find the claim that the Attorney abused privilege quite bizarre, given that one of the things for which the Hon. Mr Atkinson criticised the Hon. Ms Kanck was her decision to use privilege to read into *Hansard* rather gruesome details regarding how you can end your life. At the time, that was rightly criticised as a gross abuse of privilege. Honourable members are free to advocate voluntary euthanasia, as many in this chamber do, but to say, 'I don't have the numbers to get that through, so I'll advocate civil disobedience and encourage people to take the law into their own hands' is unconscionable, and I joined with other members at the time in taking action regarding that abuse of privilege.

The Hon. Mr Winderlich said that privilege should be used to speak out for the powerless against the powerful. I am uncertain when former members of parliament became the powerless. It is quite beyond me how a person who has spent many years in this place, who has contributed robustly to debate, as is proper, and who still has the capacity to contribute to public debate, as we have already seen with statements in the public media, can be considered powerless.

We in this place have an obligation to look after the vulnerable, the weak and those unable to defend themselves. To suggest that someone who has served in parliament for 13 years is powerless and needs our protection from the big bad Attorney-General being mean and saying nasty things is, quite frankly, extraordinary and a waste of this parliament's time. If a colleague of mine moved a motion such as this, I would feel aggrieved because it suggests that I am too frail to take care of myself in public discourse—and that is not a very kind to thing to say to any politician.

The Hon. Mr Winderlich asked whether the Attorney-General had better things to do with his time. I can tell him what the Attorney has been doing with his time: implementing this government's law and order agenda, putting in place legislation to combat home invasion and for DNA testing hardened criminals and implementing better sentencing guidelines, not to mention putting in place measures to fight the scourge of outlaw motorcycle gangs—measures which have been strenuously opposed by the Hon. Mr Winderlich and the Democrats at every turn, which are now being considered by other states and which were, in fact, the subject of commendation by the federal Leader of the Opposition in Canberra, Mr Turnbull.

So that is what the Attorney-General has been doing with his time: combatting the scourge of bikie gangs and being fought every step of the way by people like the Hon. Mr Winderlich, and those peace-loving, freedom-riding, outlaw bikie gangs, who the Hon. Ms Kanck was happy to host in this very building. Let us spend no more of parliament's valuable time with this absurd motion, which is indulgent and petty and deserves no more attention.

[Sitting suspended from 18:00 to 19:48]

The Hon. D.G.E. HOOD (19:48): Members will be pleased to hear that I intend to be brief on my contribution to this motion. I had intended a seven hour speech, but I have decided on about one or two minutes. This motion implies, if you like, that the speech that the Attorney-General made on 19 February 2009 in some way was an unwise use of parliamentary privilege.

I have read the speech that the Attorney-General made on that day and, to be frank, I think what he said in that speech he could lawfully say on the street outside parliament; what he said was factually correct. Whether people are sympathetic to the thrust of what he was saying is another matter but, in terms of what he specifically said, he would not have found himself facing defamation charges if he had said that outside this place.

I can understand what the honourable member is trying to achieve with this motion. He, to use the vernacular, is sticking up for his colleague. I respect that and, to date, the Hon. Mr Winderlich has brought some worthwhile contributions to this place in his short time in this council. However, on this occasion, Family First is not inclined to support the motion because I do not feel that the Attorney overstepped the mark on this particular occasion. In fact, I think all of us have used our parliamentary privilege, on occasion, to address a matter that was somewhat delicate, but, as I say, in this particular instance, I do not believe that the Attorney would be facing any defamation claim if he had said what he said outside the chamber. Whilst I can understand the reasons for the Hon. Mr Winderlich's motion, I am afraid that Family First is not persuaded to support it.

The Hon. DAVID WINDERLICH (19:50): I thank everyone for their contributions. I thank the Hon. Ann Bressington for her honesty, as always, but I think she confuses the policies of Sandra Kanck with the principles that are at stake here around the debate of the purpose of parliamentary privilege. I think the interesting matter for a person like the Hon. Ann Bressington to consider is that, in many ways, she is the mirror image of Sandra Kanck and, as controversial polarising figures, both can be subject to attack. That is the common interest of people who are at opposite ends of a spectrum.

I thank the Hon. John Darley for his brevity. He believes we should not waste time talking about this matter. The point is that, if we do not set standards around what the use of parliamentary privilege should be, we will spend a lot of time talking about parliamentary privilege because there will be many instances of the use of parliamentary privilege that we will find beyond the pale. I thank the Hon. Bernard Finnigan for amusing my children. They came to join me for dinner tonight, as they often do on a Wednesday, and they found it interesting that you could say that this was not a matter we should be talking about and then talk about it at length. I also take the opportunity to—

The Hon. R.I. Lucas: It is one of the first useful things he has done in his time in the parliament.

The PRESIDENT: Order!

The Hon. DAVID WINDERLICH: That is a bit harsh—clarify the irrelevant point he made in relation to bikies. As I told 300 bikies on the steps of Parliament House—and I was the only one who did so—they need to clean up their rogue elements, but I do not believe in laws which criminalise association and which would possibly send someone to gaol for going fishing with their uncle. I continue to stand by that and I am very happy for people to publicise that. In fact, I have a Facebook called 'I will associate with whomever the bloody hell I like', which some of you may want to join. I thank the Hon. Rob Lawson for expanding all our vocabularies, and I thank the Hon. Dennis Hood as well.

Getting back to the point of this motion, this was not really about Sandra Kanck. She never asked me to do this; another person suggested I should—not a person involved in politics—but it was not Sandra Kanck. Although I was prompted by the fact that I thought the speech was grossly unfair, I thought it took issues out of context. There were definitely areas of fact and I do think it was defamatory. I will read to you again the description of defamation in the *Law Handbook* online. That handbook states:

> The law of defamation protects individual reputation. The law assumes that all people are of good character until the opposite is proved…The test of what is or is not defamatory depends on the standards of the community as a whole and not just of some narrow section or group [such as members of parliament].

In other words, just because we happen to rip each other to shreds in here does not mean a court would see that as a reasonable use of freedom of speech.

The key point about this is the very question of parliamentary privilege and what parliamentary privilege is for. It may be because I am relatively new here, but I do have a fairly idealistic notion of this. As I said when I first spoke to this motion, I think parliamentary privilege is a very important tool for us, a very important right and a very important privilege. It is a way of bringing to light truth that would otherwise be hidden by the threat of defamation. If you read through the Attorney-General's speech, did he bring truths to light that would otherwise be hidden? I do not think so.

Secondly, it is a way in which we can strengthen the hand of an individual or community group locked in battle with powerful vested interests. Did he strengthen the hand of an individual or community group that needed some help? Absolutely not. Finally, it is a way of defending the innocent from unfair attacks. Well, the only person attacking in that whole episode was the Attorney-General. So, it is hard to see what could have motivated his speech, apart from a desire to personally attack and wound a person.

Of course, this is politics, and sometimes we do that. The significant difference here is that we are now talking about a person who formerly was a politician and is no longer, and at that point had not quite become a public figure again, although that happened soon afterwards—and members might recall that I very quickly disassociated myself from Sandra Kanck's remarks about one child policies. So, there are times when I am perfectly happy to take my own position and disagree.

However, once we start using parliamentary privilege to attack people who are not really playing a role in parliament or who even at that point in time have any significance in political debate, you have to ask who else we will turn that parliamentary privilege on. If we do that then all sorts of innocent people can be caught up in our vendettas and agendas. That is what I think the Attorney-General was doing, and that is why I think it is wrong.

It has been said to me that this is politics and this is what we do, and that is true. However, it has also been said to me that other precedents have been cited—and quite relevantly, I think, in a number of cases. There are relevant precedents of a range of people abusing parliamentary privilege. However, I would prefer to set a different precedent.

If we vote tonight to send a signal about what we think the proper purpose of parliamentary privilege is, we can set a different sort of precedent and, instead of continuing to descend in a race towards the bottom, driven by the occasional abuses of parliamentary privilege, we could set a precedent of attempting to set limits on those abuses and try to lift debate towards where it should be, which is focusing on important issues and policies, not personalities, past debates and dislikes and vendettas, and that is the whole point of this motion.

If members want to try to drag, however haltingly and imperfectly, the notion of parliamentary privilege to a higher standard and have it used as it should properly be—to defend and help the weak and the innocent and to expose truths that need to be exposed—they will support this motion. If they think that, really, it is not that important and, therefore, because we abuse it from time to time it is okay to continue to abuse it, then they will not. I urge the support of members. I think I have counted the numbers accurately and I do not believe I will have a sufficient number, but I think it was a useful debate and I thank everyone for their contributions.

Motion negatived.

PASSENGER TRANSPORT ACT

Adjourned debate on motion of Hon. R.D. Lawson:

That the general regulations under the Passenger Transport Act 1994, made on 22 January 2009 and laid on the table of this council on 3 February 2009, be disallowed.

(Continued from 4 March 2009. Page 1491.)

The Hon. R.D. LAWSON (19:58): On the last occasion this matter was before the council I sought leave to conclude. I conclude my remarks by saying that the matters that are the subject of this debate, namely, the regulations under the Passenger Transport Act, which relate to country taxis, should be disallowed. However, the matter will be the subject of an examination by the select committee chaired by the Hon. Rob Brokenshire and, as a result of a request from the country taxi operators, I will not be proceeding with this motion. I therefore move:

That this order of the day be discharged.

Motion carried.

ELECTRICITY (COMPENSATION FOR BLACKOUTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March 2009. Page 1504.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:00): I rise on behalf of the opposition to speak on the Hon. John Darley's Electricity (Compensation for Blackouts) Amendment Bill. I should also apologise to the Hon. John Darley because, a fortnight ago, he asked us to speak on this bill and we were not ready as we had not consulted our party room. Now, I should apologise again because we are in transition between shadow ministers although we are prepared to vote on the second reading tonight. First, however, I will make a few comments in relation to the bill.

This bill is in response to the 2006 power outages and also recent outages during the summer period. I note that the bill was originally introduced by the Hon. Nick Xenophon but has altered somewhat since then and was in response to an ESCOSA report on the 2006 outages. ESCOSA has released a similar report following the 2009 experience and, in light of this, it was appropriate for me to consult further with ESCOSA and ETSA on these proposed changes. ETSA and ESCOSA have made a number of points that I will put on the record during this small contribution.

In his explanation, the Hon. John Darley refers to the Electricity Distribution Code as a regulator of behaviour of electricity suppliers. I note that the first part of the bill seeks to make it compulsory for that code to contain a provision requiring that the electricity entity pay compensation in particular circumstances. The current electricity code already has that provision. Clause 5.3(d) of that document sets out the threshold and payment amounts for the various frequencies of interruptions and their durations.

The contract states that the provider will 'do its best' to minimise the frequency and duration of interruptions and will make payments where applicable. I make the point that payments made under this clause are contractual obligations and, as such, the use of the word 'compensation' in the bill is probably not really appropriate. Nevertheless, the bill sets out a new schedule to replace the current one in clause 5.3.

By September 2006, payments arising from the summer heatwave of 2006 totalled about $535,360 to over 4,000 South Australian consumers, so it is apparent that there is already a mechanism in place to provide compensation to consumers. ETSA Utilities expects to make a further $600,000 in payments to customers who suffered loss during extended power outages. Those figures can be found in the final report of ESCOSA on the 2006 heatwave.

I know that those payments were to people who had lost power for over 12 hours. If we consider the Hon. Mr Darley's proposal of having a $150 payment for a three hour outage, it is apparent that ETSA's payments would have to be considerably more significant. From the opposition's point of view, we are concerned that the bill does not define a 'failure to supply electricity' and, to use the example of load shedding, which is unrelated to the performance of ETSA, such issues as this, along with any other non ETSA-related outages, are not provided for in the bill.

Often long delays are caused by storms where the wind has blown over Stobie poles or trees or debris have landed on the wires which need to be removed and replaced with either new poles or new wires; bushfires that destroy the asset and it takes time before crews are allowed to get back into those areas; floods where ETSA cannot gain access; situations where cars and trucks or other vehicles have crashed into a pole requiring that it be replaced and access is restricted while investigations are undertaken by police, particularly in the case of fatalities or major crashes; or where a transformer has failed and the operation to replace it is time-consuming because of the complex and difficult nature of the work.

This proposal seems to assume that it is a deliberate act by the distributor to delay restoration where it is a difficult, complex and dangerous task which inevitably takes time. To suggest that such a penalty should commence after three hours is not at all sympathetic to the supplier or its capacity to rectify the situation in a more timely manner. ETSA's prices are regulated by a framework which is quickly moving to a national level. The scheme is to continue under new regulatory arrangements with the Australian Energy Regulator, but the payment amounts are to increase by about 10 per cent.

When new regulatory obligations such as this arise, ETSA is entitled to ask what the cost will be. We must consider that, if this legislation is to be passed, ETSA would immediately seek a pass-through of the projected costs, and prices would rise in order to cover the cost of this scheme.

The 2006 report stated that it may be technically possible to design a network that continues to operate without failures no matter what the level of demand for electricity might be from time to time. Building, operating and maintaining such a network would, however, be extremely costly and would require customers to pay much higher prices than they pay now if such a standard of network was required.

The GSL scheme currently in place in South Australia is the toughest in Australia in terms of eligible events and their relative payments. The penalties proposed in this bill seem to bear little relationship to the costs involved, and transfer the responsibility to the distributor rather than retaining some individual responsibility to manage one's own situation.

In my experience of running a small business in the South-East where we often had power outages because of bushfire and for other reasons, it was frustrating and concerning. Certainly from an irrigation point of view, we have crops and produce at risk from irrigation, cool rooms and refrigeration. It is certainly an issue and, fortunately, most of us manage to get around that by having some auxiliary generation capacity.

The opposition has a little sympathy with what the Hon. John Darley is proposing but, bearing in mind the comments I have made and the consultation that we have undertaken so far, it is unlikely that we will support the bill at the third reading. However, we are happy to support it at the second reading stage.

The Hon. CARMEL ZOLLO (20:06): As with Mr Xenophon's similar bill in 2006, the government opposes the bill for the following reasons. The government established the Essential Services Commission of South Australia (ESCOSA) as a strong regulator with a primary objective to protect the long-term interests of South Australian consumers with respect to price, quality and reliability of essential services.

ESCOSA undertook a comprehensive analysis to determine ETSA's current service standards framework, which includes the following components: average network reliability standards to be applied to different geographical regions of the network; a service incentive scheme which provides ETSA with a financial incentive to improve reliability and customer service aspects over time; and a guaranteed service level (GSL) scheme, which requires ETSA to compensate customers who have received service that is worse than a predetermined guaranteed level.

Following the heatwave interruptions of 2006, ESCOSA amended the GSL scheme to provide a payment of $320 for customers who experience a supply interruption with a duration in excess of 24 hours. ESCOSA concluded that this additional level of payment provides an appropriate level of compensation for customers experiencing the most serious of supply interruptions and strengthens the current service standard framework.

From 2010, the Australian Energy Regulator (AER) will be responsible for the economic regulation of ETSA, including the national service standards framework. This will involve a service target performance incentive scheme which includes reliability, quality of supply and customer service elements. The national service standards framework will recognise ESCOSA's GSL scheme. ESCOSA has recently determined that the GSL levels to apply from 2010 will be retained while the payment will be indexed for CPI.

The government considers the costs resulting from the bill to be excessive, as the maximum compensation payment level is approximately equal to the average annual electricity cost for a household. The much higher compensation costs envisaged by the bill would be likely to be passed on to all customers—to their detriment—through the regulated network charges in accordance with the pass-through provisions to be included in the Australian Energy Regulator 2010-15 Electricity Distribution Price Determination. The Hon. David Ridgway has already mentioned that particular aspect of this bill.

Due to the distances and radial nature of much of the network, particularly in rural and remote areas, outages longer than three hours' duration are unavoidable. The average service standards under the Electricity Distribution Code vary with regional locations, but in some areas performance within the average standards would incur a penalty under the bill.

Further, it is expected that some outages acceptable under the service target performance incentive scheme could also incur penalties under the bill. The government considers that the current GSL scheme provides an adequate allowance for customers who receive very poor service, while maintaining a manageable cost framework for customers more generally.

It was reported recently in the media, and honourable members may be aware, that in a new report, entitled 'Performance of ETSA Utilities during the heatwave of January 2009', an information paper dated April 2009, the state's energy regulator, the Essential Services Commission of South Australia, found that ETSA had improved its performance since January 2006 in managing the impact of extreme heatwaves.

ETSA chief executive, Lew Owens, is reported to have said that this year's heatwave lasted longer and was more intense than the heatwave three years ago—and I think we would all agree with that. He went on to say that, whilst ETSA was pleased with the results of the review, it would continue to look for ways to improve its performance during such events. It was also reported that ETSA paid out more than $110,000 (about 800 payments) to people living in the Riverland following an intense thunderstorm which hit the area in mid-November.

In this latest ESCOSA performance report, the commission comes to several conclusions, and I think it is worth while placing them on the record. The first is:

The commission concludes that ETSA Utilities' distribution network and call centre performed satisfactorily during the January 2009 heatwave. While extreme electricity demands during prolonged high temperatures led to a significant number of both HV and LV outages and consequent demand on the call centre, timeliness by ETSA Utilities in responding to customer queries and restoring supply after LV interruptions was better than during the January 2006 heatwave, which is considered to have been a less severe weather event.

The other conclusion I would like to place on the record is:

The commission concludes that, based on restoration times following LV network interruptions as well as call centre responsiveness, ETSA Utilities has improved its performance in managing the impacts of extreme heatwaves since January 2006. This is attributed to improved pre-summer planning and preparation, and to better resourcing and overall management of the response following the onset of the heatwave.

However, it is essential that heatwave preparatory measures and response procedures be kept up-to-date, and that they incorporate experiences of past heatwaves. This is particularly important given the possibility of an increased frequency of severe heatwaves such as that experienced in January 2009.

In short, while it is always important to be prepared and learn from past experiences, the report is generally positive on ETSA's performance, and it is one with which the government would agree. As would be expected, the report is on ESCOSA's website, and further information can be obtained from there on the incident response times and comparisons.

In conclusion, it is worth noting that, pursuant to Part B, Section 6.2 of the Electricity Distribution Code issued by ESCOSA, ETSA Utilities, in the event that it is negligent, is liable for any losses incurred, including physical loss, consequential loss and loss of profits due to problems in the quality of supply electricity (such as power surges and drops) and interruptions to or failures of supply of electricity to the supply address. For the reasons I have outlined, the government will not support this legislation.

The Hon. J.A. DARLEY (20:15): I thank honourable members for their contribution. I reiterate that this bill is about providing just compensation to people for the inconvenience of power blackouts, and to at least provide enough compensation for them to replace food and other items that may have gone bad, as well as to compensate them for the inconvenience. I commend the bill to the council.

Bill read a second time.

CARBON POLLUTION REDUCTION SCHEME

Adjourned debate on motion of Hon. David Winderlich:

That the council—

1. Notes that economists and environmentalists are claiming that flaws in the Rudd government carbon pollution reduction scheme will mean that initiatives by state and local governments, and the installation of solar panels by households, will not reduce greenhouse emissions; and

2. Calls on the Premier, Mike Rann, to seek an assurance from the Prime Minister, Kevin Rudd, that his carbon reduction scheme will not undermine the efforts of the South Australian government, South Australian councils and South Australian households to cut greenhouse pollution.

(Continued from 4 March 2009. Page 1504.)

The Hon. I.K. HUNTER (20:16): On behalf of the government, I want to thank the Hon. David Winderlich for bringing the Carbon Pollution Reduction Scheme and the efforts of the South Australian state government to reduce carbon emissions to the council's attention. However, since the honourable member moved this motion in this place on 4 March, a series of changes to the Carbon Pollution Reduction Scheme have been announced by the Prime Minister, Kevin Rudd. On 1 April this year, the Premier, Mike Rann, wrote to the Prime Minister proposing that voluntary action be recognised and valued under the CPRS, which was included in the changes announced by the Prime Minister on 4 May. Because of these recent announcements, I move the following amendment:

That this council—

1. Notes that the federal government carbon pollution reduction scheme exposure draft bill, as released on 10 March 2009, does not fully account for the contributions from initiatives by state and local governments, and the installation of solar panels by households in the reduction in greenhouse emissions.

2. Notes that the Premier, Mike Rann, wrote to the Prime Minister, Kevin Rudd, in April proposing that voluntary action by individuals and households be recognised under the CPRS and advised the parliament of this on 28 April 2009. In addition, the state government submission to the Senate Select Committee on Climate Policy recommends that voluntary action be factored into setting the national emissions cap and trajectory.

3. Notes that on 4 May, the Prime Minister, the Hon. Kevin Rudd, announced a number of changes to the CPRS, including mechanisms for recognition of voluntary action.

These changes reflect the current situation, which has changed since the motion was first moved, and my amendment seeks to take that into account, whilst, I hope, still retaining much of the honourable member's original intent, at least as I understood it.

The changes that were announced on 4 May this year go a long way to addressing the concerns that some have raised about the scheme. The commencement date of the CPRS has been delayed by one year (to 1 July 2011), and there is now the provision for an unlimited number of permits to be made available at a fixed carbon price of $10 per tonne for the first year of the scheme (2011-12), with full emissions trading to commence in 2012-13.

The Prime Minister also announced a widening of the emissions target cut from 5 to 15 per cent to 5 to 25 per cent from 2000 levels by 2020, providing that a comprehensive and ambitious agreement is made at the Climate Change Conference in Copenhagen in December 2009.

An increase of $300 million in the Climate Change Action Fund has been announced, which will bring the fund to $2.75 billion; and a five-year 5 to 10 per cent increase in assistance levels for emissions intensive trade exposed industries will be implemented. The Australian Carbon Trust will be established, which will enable households to voluntarily contribute to reducing Australian emissions.

The Prime Minister has also announced that there will be direct recognition of GreenPower purchases at about 2009 levels in setting the scheme's caps. The initial cap for 2011-16 was set using 2009 as a baseline, while the 2016-17 cap will reflect increases in GreenPower sales between 2009 and 2011.

I am pleased that the federal government has demonstrated its flexibility and its willingness to respond to community opinions regarding the Carbon Pollution Reduction Scheme, and I commend the amendment of the motion to the council.

The Hon. M. PARNELL (20:20): The Greens will be supporting this motion in its unamended form, and we congratulate the Hon. David Winderlich for bringing it to the council. The debate around the commonwealth's carbon pollution reduction scheme has attracted a great deal of genuine anxiety in the community because it is seen to be a fraud. The initial CPRS is increasingly known in the community as the 'carbon polluters reward scam'. In short, it is a joke. I do not support the amendment because that perpetuates the fraud.

The announcement earlier this month that the honourable member has referred to makes the scheme friendlier to big polluters, and the slight amendment of targets from between 5 and 25 per cent is a green distraction. The 25 per cent is effectively a hypothetical target. If the world does agree, in Copenhagen, to tough action on climate change, Australia will have to sign up for a 40 per cent reduction in greenhouse emissions by the year 2020 to pay our share.

That means that if we want the world to take us seriously then we need to be putting the 25 per cent up front as a minimum and unconditional offer. That is why the Greens in the Senate

have offered to work constructively with the government to make this flawed scheme one that does send us in the right direction and offers some hope for genuine reduction in carbon pollution.

The other changes that were announced earlier this month are, again, retrograde steps. The scheme has been delayed. There has been a cap put on the price of carbon at $10 per tonne for the next year. Together, these things guarantee that, essentially, there will be no climate action in Australia until July 2012, at the earliest. Any action that individuals, companies or state governments take will simply make it cheaper for big polluters to keep polluting.

The shift that was announced that the honourable member referred to that is supposedly aimed at taking account of voluntary action will, in fact, do nothing of the sort. In fact, those mums and dads who are already digging deep into their pockets to reduce their climate impact are going to have to reach into their pockets again in order to have their emissions reductions counted. I think that is an insult to their efforts.

The Greens will not be supporting the amendment of the Hon. Ian Hunter, which seeks to gloss over the absolutely flawed approach being taken by the government in the CPR scheme. The motion before us calls on our Premier to seek an assurance from the Prime Minister that the carbon pollution reduction scheme will not undermine the efforts of the South Australian government, South Australian councils (local government) and South Australian households to cut greenhouse pollution. It is not a difficult call to make and I think we should make it; we should make it loudly and we should make it tonight.

The Hon. S.G. WADE (20:23): I rise to indicate that the opposition will also be supporting the motion moved by the Hon. David Winderlich. We believe that this motion is important. I believe it is important for two reasons in particular. First, it deals with one of the most challenging issues of our time, climate change. Secondly, it highlights this government's focus on spin rather than substance.

On the first point, this motion addresses the enhanced greenhouse effect. The prevailing scientific wisdom is that since the beginning of the Industrial Revolution humans have put so much greenhouse gas into the atmosphere that the world's climate has altered as a result. Numerous scientific studies warning of the possible consequences of continuing down this path have prompted many governments to implement policies to reduce the level of greenhouse gas emissions.

Internationally, the European Union commenced an emissions trading scheme in 2005, and the United States of America, the world's largest economy, I understand, is set to have climate change legislation introduced by the end of this month. In Australia, the federal government is wanting the federal parliament to pass its carbon pollution reduction scheme by 30 June, although that deadline is looking increasingly unrealistic.

There is much debate about the design of this scheme. If we are going to have a scheme, it is important that it is well designed so that it meets its objectives. One of the issues highlighted in relation to the scheme is the extent to which it takes account of the activities of households, local government and state governments. This brings me to the actions of the Rann government in this area.

Since coming to power over seven years ago, the government has promoted itself as environmentally friendly. In a press release, dated 18 February 2008, the Premier said that his administration would aim to make all government operations carbon neutral by 2020. Mr Rann also committed to offsetting 50 per cent of greenhouse gas emissions from its operations by 2014, which would be achieved by purchasing 50 per cent of its electricity requirements from Green Power and the balance by purchasing other carbon offsets.

What do these measures really mean in the context of reducing Australia's overall gas emissions? The Hon. David Winderlich's motion highlights that all this activity may do is free up scope for more greenhouse gas emissions elsewhere. Actions of state government and local councils could be undermined by the proposed emissions trading scheme. To understand why this is so, one must look at the scheme and how it works. The federal Department of Climate Change provides a summary of the scheme on its website. Among other things, that summary states:

- the government sets a cap on the total amount of carbon pollution allowed in the economy by covered sectors;
- the government will issue permits up to the annual cap each year;

- industries that generate carbon pollution will need to acquire a 'permit' for every tonne of greenhouse gas they emit;
- the quantity of carbon pollution produced by each firm will be monitored and verified;
- at the end of each year, each liable firm would need to surrender a permit for each tonne of carbon pollution that the firm produced in that year; and
- firms compete in the market to purchase a number of permits that they require.

In relation to this motion, the key point is that the scheme only relates to covered sectors. That was in the first dot point of the government's summary. The state government is not one of those covered sectors.

The Rudd government's CPRS sets a target which is both a floor and a cap—it is the maximum and the minimum. So, as local government bodies, state governments and households are not included in the CPRS, any reductions in pollution that they achieve will simply free up pollution permits that can be traded to polluters included in the scheme. In giving evidence to the Senate Select Committee on Fuel and Energy on its reference on the CPRS, the ACT Minister for Energy, Hon. Simon Corbell (who is a Labor member), noted:

> We are concerned that actions by states and territories to go beyond the targeted CPRS reductions may not achieve real emissions reductions as these actions may not correspond to fewer emission permits. Further investigation by the commonwealth is required to identify whether efforts by states and territories to go beyond the targeted CPRS reductions can meaningfully contribute to reducing emissions. It is a significant concern of mine that state and territory jurisdictions may not be able to implement more stringent climate change policies that contribute to achieving real reductions in emissions. If this is the case, the coverage of the CPRS severely limits the scope for the ACT to take effective action on climate change.

The Senate Economics Committee also did a report on the CPRS. Its report, entitled 'The exposure draft of the legislation to implement the Carbon Pollution Reduction Scheme', was tabled on 16 April 2009. The main report called on the federal government to address the issue of the undermining of voluntary abatement efforts under the CPRS. In their dissenting report, coalition senators said:

> [They] are of the view that voluntary action and complementary schemes should not be rendered ineffectual in the overall plan to reduce carbon emissions. Many people, whose votes are influenced by the Labor Government's promised action on carbon emissions, would be greatly discouraged if the proposed CPRS disempowered them, allowing for emitters to benefit from the voluntary actions rather than the environment.

The federal government has announced several changes to the scheme, including offering tax deductions to individuals for carbon credits. But even if those changes adequately allow for actions of individuals—and that is not clear—state and local government initiatives are still not covered under the proposal. Essentially this means that the state government is subsidising carbon emitting industries with taxpayers' money. You do not have to be a climate change activist to see that the Rann government measures in this area are bad policy.

These measures to make the South Australian government greener are a waste of money and will not have an impact on reducing the country's greenhouse gas emissions if the CPRS continues in its current flawed state. The government has offered us an alternative motion. The opposition still prefers the Hon. David Winderlich's motion for three reasons in particular. First of all, we welcome the admission by the government in its first clause that the flawed nature of the CPRS is not a matter of opinion; it is a matter of fact.

The Hon. David Winderlich, modest as ever, asserts in his motion that economists and environmentalists are claiming that there are flaws in the CPRS. The government motion, on the other hand, notes that the scheme does not fully account. The government is at least honest enough to say that the Rudd government CPRS is flawed.

The Hon. I.K. Hunter interjecting:

The Hon. S.G. WADE: I am sorry; I am only taking the government at its word. Perhaps I should have asked for authentication as to whether it was a genuine document. In relation to other matters, the government's motion also explicitly does not refer to local government. We believe that local government is a significant contributor both to our efforts in relation to the environment and to our general economy. We believe that local government should not be excluded, as does the state government's motion. It raises the question of why the state government, in its alternative motion, chose to ignore such a significant sector.

Thirdly, the Hon. David Winderlich's motion actually asks for action: it asks the Premier to seek an assurance. The government's motion merely asks us to note the items on his correspondence file. We want the government to do something. We expect the Premier to stand up for state jurisdictions to make sure that the efforts of the state jurisdiction, in both its local government and state government form, are respected within the CPRS.

In terms of the basic thrust of the motion, I gather that the government supports the sentiment of the Hon. David Winderlich's motion. We prefer it to the government's form, and we will be supporting the motion in its unamended form.

The Hon. DAVID WINDERLICH (20:32): I also still support my original motion, surprisingly enough. I think we should keep this very simple. It is important to not be distracted into broader discussion of the CPRS, which is a complex scheme, and the range of changes that the Rudd government announced on 4 May. The whole point of my motion—it is a very simple motion—is about whether or not the CPRS actually takes into account voluntary action, the things that individual householders, local governments and state governments do on a voluntary basis to bring down greenhouse emissions. It is very clear that issues of state and local government action were not addressed in the changes announced on 4 May.

The question of household action to reduce greenhouse emissions was partially addressed, although we are not really clear what it means. Household efforts are claimed to be covered by the revised Rudd scheme but, regardless of whether or not a household becomes carbon neutral by, for example, installing solar panels, their reduction in emissions will not count towards national targets unless they contribute additional money towards a trust fund that buys carbon credits.

Many people want to do something practical, such as put solar panels on their roof. The government has come up with a plan whereby putting money into a trust fund and then contributing to the trading game is the only way you can make a difference. That is clearly not what is motivating most people. The flaw in the government's amendment is simply that it seeks to argue that voluntary action has been taken into account, when it clearly has not.

Let us put that in very concrete terms. Because the CPRS does not take into account the actions of householders when they do something practical, such as putting solar panels on their roof, or because it does not take into account the voluntary contributions of state and local government, many of which are quite substantial and cumulatively across Australia would run into hundreds of millions of dollars, it means that programs such as the government's Greening of Government offices initiative is almost certainly a waste of time and money.

It means that the installation of solar powered streetlights by local government is almost certainly a waste of time and money. It means that putting solar panels on top of Parliament House is a waste of time and money. It means that plans to purchase 50 per cent of electricity requirements from renewable energy sources by 2014 and to make government operations carbon neutral by 2020 are a waste of time and money. It means the black balloon advertising program, which urges householders to reduce their emissions, is a waste of time and money. All the efforts and all the funds invested in these programs will not affect greenhouse emissions one iota if these voluntary contributions are not taken into account in the emissions trading system—which they are not.

As the Hon. Stephen Wade and I have previously explained, this occurs because the emissions scheme is based on trading a fixed number of pollution permits among a limited number of big polluters. Any efforts made on a voluntary basis by parties that are not included in this scheme, such as households, councils and state governments, will simply take the pressure off those parties that are within the scheme. Richard Dennis, of the Australia Institute, explains it in this way: if households install solar panels it will just reduce demand for power, which means that power stations will be able to trade pollution permits, which will be freed up by the fact that they are not selling as much to households, to another polluter—for example, a manufacturer.

In other words, there will be trading but there will have been no reduction in emissions. Yet, state governments all around the country—and this state government—are encouraging people to do their bit to reduce greenhouse emissions. The rhetoric, the rebates and the black balloon ads exhort people to act and imply that they should spend their money to combat climate change and, because people care so deeply, they have responded. Households spend tens of thousands of dollars on solar panels. They lobby their councils to spend council rates on reducing greenhouse emissions. They want state governments to spend money to combat climate change.

So, to take the hard earned money of the community and to take their even more hard won goodwill and manipulate it in this way is a dreadful abuse of trust. Any party or government or parliament that does not expose and condemn this abuse of trust is an accomplice in a cynical hoax. I think it is essential that we send a very clear message to the community and to Canberra that we want serious and honest action on this vital issue. We want the goodwill and hard work of individual households and local councils—and some of these are quite small councils where there are pressing demands on their resources—to be taken seriously and to be treated with respect.

I think we need to endorse this motion and send a very clear message to Canberra that they need to include voluntary effort or at least stop pretending that they are including it, and the same should apply to state governments. We should either fix this scheme so that those voluntary efforts matter or stop enticing people to take action on the pretext that their voluntary efforts do, because at the moment it is a waste of everyone's time and money. It will not help greenhouse emissions. The only possible benefit is the public relations spin, and that will soon wear thin as more and more people come to see the flaws in the scheme. I hope that the council will support the original motion.

The council divided on the amendment:

AYES (7)

Brokenshire, R.L.	Finnigan, B.V.	Holloway, P.
Hood, D.G.E.	Hunter, I.K. (teller)	Wortley, R.P.
Zollo, C.		

NOES (10)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Lawson, R.D.	Lucas, R.I.	Parnell, M.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.
Winderlich, D.N. (teller)		

PAIRS (4)

Gazzola, J.M.	Schaefer, C.V.
Gago, G.E.	Lensink, J.M.A.

Majority of 3 for the noes.

Amendment thus negatived; motion carried.

COCKLE QUOTAS

Notice of Motion/Order of the Day, Private Business, No 26: Hon. J.M. Gazzola to move:

That the regulations under the Fisheries Management Act 2007 concerning Rock Lobster Fisheries—Cockle Quotas, made on 16 October 2008 and laid on the table of this council on 28 October 2008, be disallowed.

The Hon. I.K. HUNTER (20:46): I move:

That this order of the day be discharged.

Motion carried.

COCKLES, DELIVERY

Notice of Motion/Order of the Day, Private Business, No 27: Hon. J.M. Gazzola to move:

That the regulations under the Fisheries Management Act 2007 concerning Fish Processors—Delivery of Cockles, made on 16 October 2008 and laid on the table of this council on 28 October 2008, be disallowed.

The Hon. I.K. HUNTER (20:46): I move:

That this order of the day be discharged.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. B.V. Finnigan:

That the report of the committee, 2007-08, be noted.

(Continued from 29 April 2009. Page 2111.)

The Hon. T.J. STEPHENS (20:46): I rise to support the motion and speak briefly on the activities of the Statutory Authorities Review Committee. I have spoken a little today about one of the particular inquiries on which we have handed down a report. Given that this is a motion in relation to the annual report of the activities of the committee, I will touch briefly on some of the matters we have been looking at. Obviously, we have handed down a report into the Independent Gambling Authority, but a couple of time-consuming matters include the inquiry into WorkCover, which is ongoing, and an interesting inquiry into the Land Management Corporation.

Already today I have paid tribute to the work of Gareth Hickery (our secretary) and Jenny Cassidy (our former research officer); Ms Lisa Baxter, who has taken over from Jenny, is doing a wonderful job; and also our long-serving assistant, Cynthia Gray. I enjoy very much working with the Hons Ian Hunter and Ann Bressington. Of course, I learn from the master, the Hon. Rob Lucas. The Hon. Bernard Finnigan chaired the committee quite competently but has now handed over the reins to the former minister, the Hon. Carmel Zollo, who I have no doubt will do a sterling job.

As I said previously, the thing I really enjoy about the committee is how we work in a bipartisan way, scrutinising the activities of some of the statutory authorities that come before us. I am sure the people of South Australia are well served because of that scrutiny. One of the more rewarding things we do as members of parliament is to give people the opportunity to be heard. While I do not always agree with the sentiments of people who appear before our committee to give evidence, I do know there is a real appreciation of the fact that we are prepared to listen to their grievances. Quite often they have had no success in being heard by anyone who is prepared to try to assist them. We are much maligned as members of parliament and much of our work goes without any thanks—and we accept that—but I do know that the Statutory Authorities Review Committee and the lengthy inquiries it conducts give people some comfort in being able to appear before the committee to have their say.

I thank previous members of the committee, including the Hon. Michelle Lensink, the Hon. Nick Xenophon (with whom I worked on the Independent Gambling Authority inquiry) and Mr President himself, who was a committee member when I first started. With those few words I support the motion.

The Hon. R.I. LUCAS (20:50): I had not intended speaking, but the quality of the contribution from my colleague the Hon. Mr Stephens has inspired me to speak briefly on just two issues. I will not repeat the issues that he raised. I do want to record two things and, in doing so, I indicate that they are my personal views and not necessarily the views of my colleagues. The first point is that, from my brief experience on a standing committee—and in my time in the parliament this is the first standing committee on which I have participated—I have noted a number of the conventions and traditions with interest. I will not spend any time this evening going through some of the details of those views, because what I have put to the committee and in forums will suffice in terms of what I think ought to be changed.

One of the issues that members themselves in this chamber ought to reflect upon and then perhaps, hopefully, within their party rooms is that the strength of upper house committees in terms of holding all governments to account, in large part, obviously depends on the quality and the competence and workload of the members of the committee in terms of their membership. As the Hon. Mr Stephens has indicated, this committee—and I am not sure whether other committees are the same—has had a tremendous turnover in terms of its membership.

The second aspect is the quality and the corporate knowledge of the staff of the committees. There is one issue that I must admit I have some concern about and that is in relation to the research officers attached to the committees. The current arrangements are such that, by and large, under their employment arrangements, the research officers stay with the committee for only two years. I know there are circumstances where they can be extended potentially for another two years.

My experience and the discussions with committee staff and committee members in other states and in other jurisdictions, particularly in Canada and the United States, is that the strength and quality of the work of committees in terms of holding governments or executive arms of government to account, as I said, depends not only on the quality of the members but also very significantly on the quality and corporate knowledge of the staff attached to the committee. Now, as

I have indicated to the council before, some of the jurisdictions have significantly larger numbers of staff. In essence, we are talking about only two full-time staff.

My view is that this parliament ought to contemplate moving to a situation where we do have permanent research staff attached to committees, and I will give the example of the Statutory Authorities Review Committee. Given sometimes the length of the inquiries—WorkCover is a perfect example—when you come to presenting a report, you may well be in the situation where the staff, for a variety of reasons, have left—either their time has concluded or they know their time is about to conclude and therefore they seek a promotion somewhere else in the public sector; that is, they make a conscious decision.

I think that significantly weakens the capacity of our standing committees to undertake the work they are required to do. I know that in Victoria, for example, one of the flexibilities they have is the capacity for the permanent staff to be moved between the committees, but nevertheless they do have a permanency arrangement. I think it is something that members and this parliament, hopefully, at some stage, might contemplate in terms of the employment arrangements. As I said, at this stage I am only putting a personal view, but it is certainly something that I want to discuss with any other members because I do think, whichever government happens to be in power, the capacity of this standing committee to hold governments to account would be assisted by having permanent and ongoing staffing arrangements.

The second point I will make very quickly. I have spoken on this before and again I hasten to add that it is a personal view. I have a very strong view now that, as the changes have occurred in relation to the chairmanship of the select committees, those wholly based standing committees of the Legislative Council ought to be chaired by a representative of the majority of the Legislative Council. I think we have seen, in my view, that that is the circumstance that occurs in virtually every other upper house in Australia.

I have put on the public record on previous occasions (and I will not repeat it) that that is a circumstance that generally occurs in the Senate and in most other state upper houses; that is, if the government or the opposition, or some combination of that and the minor parties, has a majority vote on the floor, by and large, on a number of the committees—or, indeed, sometimes all the committees—that majority view is reflected in relation to the chair position for those particular committees.

As I said, this council has moved in the last, I think, three or four years to reflect that with respect to select committees. My view happens to be that there is not much of a difference in principle. If you accept that principle for a select committee, what is the difference in relation to a standing committee? The only difference is that the standing committee has a paid position, and the members of the government of the day obviously would jealously guard and want to protect that position.

As I have indicated before, that is one the reasons I have not pushed the argument in relation to standing committees whilst we have been in opposition, because we had the position where government members were chairs of the standing committees for the eight years when we were in office. That will be the case for the eight years whilst the Labor government is in office, but my view is that, in essence, there have been equal years now: eight years and eight years.

After the 2010 election, this council ought to consider the position by saying 'whoever is in government'. It might be a Labor government or it might be a Liberal government but, whoever is in government, in my view (as I said, it is a personal view), the issue with respect to the principle of a majority of the chamber being reflected in the chairing of select committees and the wholly based standing committees ought to be debated and ought to be supported.

I think there is no doubt that that is a much stronger way of holding governments to account. The position of chair is quite strong in relation to these committees. If this council is to undertake its role of holding governments to account, as I said, whether it is Liberal or Labor, I think that is one of the mechanisms to achieve that. I hasten to say that that is a personal view; it is not necessarily reflective of the views of my party in relation to standing committees.

Motion carried.

WILLUNGA BASIN PROTECTION BILL

Adjourned debate on second reading.

(Continued from 18 February 2009. Page 1324.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:58): I rise on behalf of the opposition to speak to the Hon. Robert Brokenshire's bill. This bill, which was introduced by the Hon. Robert Brokenshire, would provide for the establishment of a committee to formulate a development plan for the Willunga Basin, and that plan would have a greater force in law than the Onkaparinga council development plan. The bill also proposes associated changes to the Development Act.

As members are well aware, the Hon. Robert Brokenshire was in another place at another time. He was a member of the Liberal Party and was very passionate in our party room at that time about the Southern Vales, Willunga Basin, McLaren Vale and, in particular, the electorate of Mawson, which he represented. He was always talking about his concerns with respect to urban sprawl and encroachment on that highly productive, iconic part of South Australia.

In fact, a number of people have made representations to me about their concerns with respect to the encroachment of housing developments in that area, where there is existing land use. Vignerons are trying to look after and attend to their crops—spray and harvest their grapes–and that is often done at night. There always seems to be conflict between the existing land use and landowners and the new houses and residents that have come into that area.

The Hon. Mr Brokenshire's bill is interesting, and it will be an interesting committee the way he proposes to set it up. I know that he put this on the record, but I would like to cover it again. The committee seems rather large but it would comprise: one member from the Onkaparinga council; one nominee by the minister with relevant development and planning expertise; two nominees from the McLaren Vale Grape Wine and Tourism Association; one nominee of the Minister for Aboriginal Affairs; one nominee of the Southern Community Coalition; one nominee by the minster to represent the food producers, one to represent the local trade association and one to represent local environment groups; one nominee of the Southern Adelaide Economic Development Board; and one nominee of the Minister for Environment and Heritage.

It is a very broad based, all encompassing committee of people to develop this greater plan. When he introduced the bill, the Hon. Robert Brokenshire stated that when he had spoken to councillors from within the City of Onkaparinga, they had implied that they were not confident that they could continue to provide planning services to the expanding council, which is already the largest in South Australia. It was interesting to note, from comments made yesterday in addressing the Supply Bill, that Planning SA is struggling to provide services with a whole range of facilities to South Australia.

The minister has spoken often about the 30 year plan for South Australia and for greater Adelaide, yet it has not been tabled and I know from anecdotal evidence and whispers that I hear from within Planning SA that it is still some time away. I think we need to take a moment to consider that it is areas such as McLaren Vale, the Adelaide Hills and probably the Barossa Valley and a range of other sites around South Australia that are quite unique. As the urban sprawl from Adelaide encroaches upon them, it does make their existence somewhat more difficult.

This is especially so for McLaren Vale, and this particular bill talks about the Willunga Basin. I know that the member for Mawson (Leon Bignell) has referred to this area as the Holden of the South. It creates a lot of jobs, and a lot of employment, and to see it further encroached upon with extra residential pressure, it would seem to put the 'Holden of the South' under more pressure.

Likewise, we see that the member for Kavel, with Mount Barker in his area, is quite concerned about the high value, high rainfall, agricultural land which is going under houses, or which potentially the government would like to see go under houses, in that part of the Adelaide Hills. He has been very passionate about it and, in fact, has conducted some surveys within his own community. We are not surprised to find that there is overwhelming support for the Adelaide Hills, and particularly that area with high rainfall and highly productive agricultural land surrounding Mount Barker, not to be encroached on further.

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

The Hon. D.W. RIDGWAY: Likewise, as the Hon. John Dawkins interjects, with the area at Concordia just east of Gawler. Again, that is an area of comparatively high rainfall compared to the rest of the state, with good agricultural land, and again we see this being under pressure from urban sprawl. The member for Schubert (Ivan Venning)—Baron of the Barossa—has also been very passionate about problems of urban sprawl and encroachment within the Barossa Valley.

We have had the conflict involving the Penrice mines, which is an important asset to South Australia, producing some high-grade stone, limestone for soda ash and a whole range of products of high value that are very important to the state. Of course, as that undertaking has expanded, it has impacted on the Barossa Valley itself. I think we can see several examples around the state where urban sprawl and encroachment or industrial development is starting to impact on these high value, high rainfall areas. We are seeing increasing climate change and, over recent times, declining rainfall in South Australia. Goyder's line, I suspect, sadly, has moved somewhat further south over the past few decades, so these areas become even more important as, if you like, food bowls for our state and for Australia.

One of the issues often talked about in greenhouse terms is food miles. How far does the food have to travel before it gets to our plate or to our table? Clearly, having areas such as these near Adelaide will provide opportunities for that food production to continue, not only the fine wines produced in the Willunga Basin but a whole range of other horticultural products.

Members would be aware that I was involved in a horticultural business before coming into parliament. In my travels overseas prior to coming to this place, I saw large cities the size of Adelaide, especially in Europe. In the hinterland around them, there is a cluster of highly productive land, greenhouses growing food such as vegetables—not the broadacre livestock running of sheep and cattle and broadacre crops that we are familiar with in Australia, but highly intensive agriculture in and around cities. They have a market, and they are close by. They often have water, and another country's water is not a problem.

We certainly have an increasing population. The government and the opposition broadly support the population growing to the goal of 2 million by 2030, or thereabouts. It will mean that the vast majority will be in and around Adelaide. I suspect that we will have more wastewater, and that has to be treated. If we develop these areas even further and protect them from urban sprawl, we have an opportunity to then look at some more intensive horticulture.

I recently did a tour through the Northern Expressway, which is a very impressive project. I commend those involved with the design and construction of the project. They are doing a great job. Some of the technology being used will deliver a very good road for the service of our state, but we need to look at it in the context of what the Hon. Robert Brokenshire is doing here with this bill. As I have said, it is a wonderful road and, right next to it, there is a centre pivot with a crop of potatoes and, a bit further down, this road goes right through the middle of a vineyard. I think the tragedy with that particular—

The Hon. J.S.L. Dawkins: That's probably the most productive and most populated area of the state.

The Hon. D.W. RIDGWAY: I know that interjections are out of order, but my colleague the Hon. John Dawkins knows a lot about that area and, as he interjects, it goes through one of the most highly productive parts of our state. One of the tragedies with that road is that it has gone through some very highly productive land. There will be tremendous pressure on the land around that road to now be rezoned for either industrial or residential use simply because there is a road there.

We had questions today about Buckland Park, and we have extra development happening around Freeling. I think this bill not only recognises some issues in the Willunga Basin but it also identifies issues elsewhere in the state. I recall some time ago—in fact, it is probably 20-odd years ago when my father was on the local council in Bordertown, the Tatiara District Council—there were two sites to be chosen for an industrial estate. One was in some very highly fertile, clear land with basically no trees, flat and easy to manage; and one was in some very sandy, unproductive land.

In the end, the decision was made to buy the clear albeit more expensive land, because it was the easy option for council. I think it is about 2,000 acres (about 1,000 hectares) of highly productive land with relatively high rainfall that is now out of production. There would have been some sites elsewhere that were close to the highway, the town and to services for electricity, transport and water that would have provided opportunities and that high-value land could have been preserved.

The Liberal opposition is concerned that we have not seen the government's 30-year plan released at this stage. We have always been concerned about the encroachment of Adelaide onto high-value, high rainfall agricultural land, especially land that is close to the city, where a lot of our horticultural crops require a lot of hand labour. Of course, if we have people living close by, it is

much easier for them to provide it. If it is a more remote and hostile environment, people do not want to live there.

We know about the difficulties that we have had in the Riverland—and, sadly, we have had tremendous difficulties with the water supply there—with getting itinerant workers to come in to harvest fruit. It has always been a problem. If those industries and the horticultural production were situated closer to a city and closer to a population base, it would make it much easier for the operators and owners of those properties to get people to come and harvest their crops.

The opposition intends to support the Hon. Robert Brokenshire, although we would suggest that this structure is probably going to be somewhat cumbersome. By supporting this bill the opposition is indicating to the South Australian community that it is very concerned about lack of protection for these high-value, high rainfall parts of the state's iconic areas. As I said, the government's 30 year plan for Adelaide has yet to be released, and the Liberal Party wants to indicate to the community that it is serious about protecting those areas; it is important that they are preserved. The opposition supported the government's Residential Code, and it fully supports the concept of transport oriented developments in the city and at the end of our railway lines and transport corridors, so that the pressures sprawling into these high-value areas can be alleviated. With those few words I indicate that the opposition supports the Hon. Robert Brokenshire's bill.

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

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 February 2009. Page 1180.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:11): I rise on behalf of the opposition to speak to the Hon. John Darley's Valuation of Land (Miscellaneous) Amendment Bill, and indicate that the opposition will support it. The bill makes some necessary clarifications to the act along with some changes, which are underpinned by the notion of a more transparent and open state government. Of course, this government continually claims it is open and transparent but sadly we often do not see it.

The valuation of land has implications for rates and taxes and, as such, we see substantial argument for legislation that will work in favour of landowners. Mr Darley has also aimed the bill at a reduction of red tape in the bureaucratic process which, as a principle, the opposition always strives to support. The most significant part of the bill is that landowners will have free and open access to the information that valuers use to arrive at their valuations, and this amendment will be beneficial to all parties concerned. Landowners will have more substantial information to consider if they do disagree with the valuation, and therefore may be less driven to lodge objections; on the other side, landowners will be able to accept the valuation with far greater confidence and satisfaction.

I mentioned in my previous contribution that in my former life I was a farmer in the South-East, and it is interesting to note that at that time we had a near neighbour who had an unacceptable valuation on his property for council rating purposes. Council did not want to waiver from its valuation, and suggested that if he did not like it he should put the place on the market—similar, I think, to the sentiments of the current Treasurer when it comes to some land tax assessments. Our neighbour put the property on the market, and it was on the market for 12 months at the price the council said it was worth. However, not one other party was interested. At that point the council realised its valuation was wrong and revalued the property. I think there are plenty of other examples over a very long period of time which demonstrate that the Hon. John Darley's amendments will be of benefit.

Mr Darley also noted that the Valuer-General in Western Australia had commented on how important it had been to the success of their system to make it possible for owners to discuss their valuation with valuers before deciding to lodge an objection. Many people just need greater understanding of the evidence that the valuer used to reach a conclusion. Mr Darley also mentioned that it may cause some extra work for the Office of the Valuer-General; however, if fewer claims are lodged hopefully that will balance it out.

Under clause 6 of the proposed bill owners or occupiers will be informed of their rights to this information. Clauses 4 and 5 make a few clarifications to the valuation of heritage-listed properties, and these are important in order to retain their character rather than encouraging subdivision or the selling off of land because of excessive rates and taxes. I believe the introduction

of relativity in valuation found in clause 3 is a sensible amendment; there is no compelling argument for two neighbours in identical properties to be paying very different rates and taxes based on substantially different valuations. As you can see, Mr President, that makes no sense at all. Mr Darley has identified part of the Western Australian valuation land tax which has been successful, and we should draw on that for greater fairness and equity in our system. I indicate that the opposition will be supporting the Hon. John Darley's amendments.

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

DEVELOPMENT (CONTROL OF EXTERNAL PAINTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 February 2009. Page 1226.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:16): I rise again on behalf of the opposition to speak to this bill, which was introduced in the other place by the member for Light (Mr Tony Piccolo) on 27 November 2008. It is interesting to note that this bill amends the Development Act, and the Minister for Urban Development and Planning, the minister in charge of that act, is in this chamber. That poses some questions: for example, if this measure is to be supported by the government, why on earth is the minister not introducing it in this chamber, with Mr Piccolo being given carriage of it in the other chamber. I guess it is a little like having to ask why we have a select committee in the other place that is looking into building surveyors when the minister and shadow minister responsible are members of this chamber, but the government seems to be hiding it in the House of Assembly.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: I am now talking about the select committee you are hiding in the House of Assembly.

The PRESIDENT: Order! The Hon. Mr Ridgway would be better off talking about the bill.

The Hon. D.W. RIDGWAY: I am sorry, Mr President, but I was a little distracted there. Mr Piccolo, I think, made a pledge to his community when he was elected that he would introduce this legislation, and I think his particular interest was heritage values on the main street in the town of Gawler. His personal endeavour to do this is the reason for the bill being introduced, and it is interesting to note that the relevant government minister is a member of this chamber.

This bill proposes a quite small technical change to the act: the definition of 'development' is extended to include 'external painting'. The effect of the bill would be that any council may apply to create a declared zone, to be approved by the minister. Such a declaration would instigate the following: a change of land use requiring a development application would deal with any external painting as a development in its own right. If there is no change in land use following, say, the sale of a property, no application would be needed for external painting.

The original bill was aimed at commercial properties but, nevertheless, had the potential to capture residential properties alike. It is not uncommon for residential property to be used to run a business, and this legislation has the potential to cause unnecessary red tape in such circumstances. I communicated that concern to Mr Piccolo, and he drafted an amendment that stopped the measure extending to a building used wholly or predominantly for residential purposes.

At a fundamental level, this bill contradicts the basic directions of the planning review by adding minor matters and creating lengthy delays in the development assessment system. This is an example of regulatory creep since the last major review in 1993, which has produced a planning system overwhelmed with minor and low-risk matters, creating backlogs and lengthy, unnecessary delays that stifle economic growth and place an unnecessary financial burden on the community. Therefore, supporting this legislation would be at odds with the Liberal vision of reducing red tape through implementation of a residential development code.

While we accept that the bill was designed to address a specific situation, we believe that it will significantly increase the volume of planning applications being considered by local government, introducing further complexity and inevitably resulting in detailed prescriptive criteria being developed to control paint colour and combinations. Furthermore, we believe it is likely to result in the preparation of acceptable colour pallets by councils for heritage or prescribed areas, which will limit choice and result in homogenous colour schemes that will be uninspiring, uniform and predictable.

Once introduced, there will be considerable pressure from some of the more established councils (for example, Norwood, Unley, Burnside, Mitcham, etc.) to prescribe paint control provisions in such areas as character areas or for contributory buildings, once again considerably increasing the volume of applications and prescriptive and onerous controls imposed on the community.

The issue of external paint controls is a perennial issue that often arises when, I think, about .001 per cent of the population chooses to apply a bold and striking colour scheme to a building or dwelling, creating an overwhelming response from the community and local government to seek external paint controls.

In these circumstances, there will be an inevitable growth in areas with prescribed external paint controls, and the whole community will suffer increased red tape, bureaucracy, delays and expense to address a minor issue that is rare and often inconsequential.

This legislative change could result in planning assessments for paint control based on the individual taste or preferred style of the local government planners, rather than objective assessment of planning merit. With those comments, I indicate that the opposition will not be supporting Mr Piccolo's bill.

The Hon. J.A. DARLEY (21:21): I rise to indicate that I will not be supporting this bill. I can understand the member for Light's concern for preserving heritage areas, and I agree that there needs to be some protection for the painting over of heritage items. I note that section 4(1)(e) of the Development Act includes painting as needing development approval for state heritage properties.

I think that extending this to all external painting of commercial items in heritage zoned areas will place an undue burden on business. One can envisage a situation where a well-known business would be potentially unable to use its corporate colours that make its business easily identifiable to members of the public and where colour is a significant part of its brand.

Just this morning, I was driving down the Parade, Norwood, which is part of a heritage conservation zone, and I noted that the colours with which businesses painted the front of their premises, whether it be Beaurepaires, Pulse Automotive or even the local pawnbroking shop, did not detract at all from the heritage feel of the area. I am not encouraged by the support for this bill from the Norwood, Payneham and St Peters council. In my experience, it is one of the worst offenders in terms of stymieing development by delays in the process.

I note the anomaly outlined by the member for Light in his second reading explanation: if there is a change of land use, development approval is required; if there is not, no development approval is needed. I, too, think that this is an anomaly. However, I do not think that an amendment such as this to the Development Act is the way to achieve this; it is like using a sledgehammer to crack a nut.

I am surprised that the government is supportive of this measure, given the very extensive planning reforms implemented by it earlier this year, which I supported and which aimed to streamline the development process and remove some of the hurdles currently faced by people wanting to make minor changes and additions to their properties. This bill seems like a backward step in the government's initiative to streamline and cut red tape involved in the development process, and I will not be supporting it.

The Hon. I.K. HUNTER (21:23): I would like to thank those honourable members who made a contribution to this debate. I think it might be useful, at this point, for me to briefly summarise the main points of this bill because I think that some of it has been lost between the original introduction of the bill into this chamber and our debate today.

The bill seeks to amend the definition of 'development' to include the external painting of a building within an area prescribed by the regulations. If passed, the bill will enable regulations to be introduced that prescribe areas where the external painting of buildings becomes development for the purposes of the Development Act.

It is important to note that this will not impose restrictions on local government authorities and councils unless they wish to avail themselves of those provisions. They will not be imposed on council; council will have the ability to ask the minister to make regulations on its behalf in this regard.

It is envisaged, and the bill limits its application to non-residential purposes, as the Hon. Mr Ridgway indicated, that the prescribed areas would be commercial areas only within historic conservation zones. This would afford streetscapes more protection from painting which detracts from other buildings in a street and, importantly, removes an existing anomaly in the application of the Development Act where there is no change in land use but a change in tenancy of landowner.

If there is a change in land use, the Development Act comes into play and external painting is caught, but if there is no change in the use of the building, with a new tenant coming in, they can change the external painting without any reference to the council or going through the development process. That is an anomaly. At present developmental controls of the external appearance of the building only come into play when there is a change in land use. Accordingly, you can have identical businesses alongside each other within a street subject to different development controls now.

Consultation has taken place with the local government—the City of Norwood Payneham and St Peters—and the town of Gawler, and they have voiced their support for the bill. Both councils have significant commercial areas within historic conservation zones. The bill was amended in the lower house to address concerns raised by the Hon. David Ridgway in his discussions with Mr Piccolo, the member for Light, from the other place.

The Planning Institute of Australia (SA Branch) has indicated that the bill is worthy of support. They state in their March 2009 newsletter:

> There are numerous examples of businesses applying their 'corporate' colours to the whole or significant parts of buildings to, in effect, enhance their advertising presence and visual exposure. The proposed extra control has a useful role to play by giving Councils an opportunity for assessing that impact first.

So, it does not automatically mean that those applications to paint a building in whatever colour they want will be refused, but it inserts a step for councils to have a say in that process.

The bill gives the minister an enabling or head power to introduce the regulations. The bill does not impose the controls on to council, as I said before. By using regulations, the council would seek to have the controls introduced to their areas by applying to the minister. This process also provides a check and balance by ensuring that councils do not get overzealous.

The bill does not alter the categorisations of development applications. They will continue as they are according to existing regulations or development plan requirements. The bill also does not mean that the external painting of non-residential buildings cannot occur but, as the Planning Institute has pointed out, it enables the development authority to assess the impact before it occurs. It is important to reiterate that the bill is designed, with the amendments, to capture commercial buildings, not residential buildings. I seek the support of the council for the second reading.

Bill read a second time.

CROSS-BORDER JUSTICE BILL

Adjourned debate on second reading.

(Continued from 12 May 2009. Page 2260.)

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (21:28): I thank the Hon. Mr Lawson for his contribution to this debate, and I understand that other members support the bill but did not wish to make a contribution. The Hon. Mr Lawson raised some questions yesterday that I will address. The honourable member asked whether the Northern Territory has either introduced or passed legislation which will enable it to participate in the proposed scheme. The Northern Territory parliament passed its legislation on 12 February this year and the Cross-Border Justice Act 2009 received royal assent on 13 March this year.

The scheme requires modifications by regulation to a number of acts and the settling and signing of the service level agreements and protocols that are being developed by the agencies involved in the scheme, such as the police, community corrections, prisons, youth justice and the courts.

Amendments to the commonwealth Service and Execution of Process Act are also required to enable the scheme to operate. I am happy to report that the Senate Standing

Committee on Legal and Constitutional Affairs released its report on the Law and Justice (Cross-Border and Other Amendments) Bill 2009 yesterday, recommending that the bill be passed.

Schedule 1 of that bill facilitates the establishment of a cross-border scheme by ensuring that CPA will not override arrangements prescribed under the scheme where those arrangements would be inconsistent with arrangements under CPA. The key provision is that CPA will not apply where the cross-border justice scheme or another scheme established under the legislation prescribed under regulations under the act would otherwise operate.

The honourable member also asked how the Kimberley region could be incorporated in a scheme of this kind, given its prime location within the state of Western Australia. The scheme and legislation are designed to allow participating jurisdictions to prescribe further cross-border regions by regulation.

Clause 19 of the South Australian bill provides the prescribing of a cross-border region being one that straddles the border between the state and one or both of the other participating jurisdictions. The Western Australian and Northern Territory acts contain identical provisions. This means that the participating jurisdictions can agree to prescribe any area that straddles a border between them. Initially, the scheme will apply to the region that straddles all three participating jurisdictions, being the area of concern raised by the NPY women's council.

No consideration is being given to prescribing any other areas at this stage; but, as I have said, the legislation does allow for this to happen, and, as participating jurisdictions become familiar with the scheme and it is refined and developed over time, it is likely to expand not only into other regions but also to cover other areas of law such as health and guardianship. Other jurisdictions will no doubt be following the unrolling of the scheme with a view to becoming involved at some point. The addition of a participating jurisdiction would require amendment to the relevant act.

I now move to the Law Society's concerns outlined by the honourable member. The Law Society criticises the legislation as being too far-reaching because it will include someone who commits an offence anywhere in Western Australia or Northern Territory and who happens to be arrested in a cross-border region. The Law Society suggests that clause 20, which sets out the requirements for a person to have a connection with a cross-border region, should be restricted to people suspected of committing offences in the cross-border region.

The first point to be made about that comment is that there may be a misunderstanding that the legislation will allow South Australian police to deal with offences committed in Western Australia or the Northern Territory. The act provides for Northern Territory, Western Australian and South Australian police to exercise their powers in the region, but only in respect of an offence committed under the law of their respective jurisdictions; that is, West Australian police deal with Western Australian offences, Northern Territory police deal with Northern Territory offences, and South Australian police deal with South Australian offences. It does not allow all police to deal with all offenders or offending. Police can and will be able to travel throughout the region to deal with offenders from their home jurisdictions but not to deal with offenders from each other's jurisdictions unless the officer is appointed to that other police force.

The other point is that a major reason for extending the scheme to offences outside the cross-border region is the transient nature of the region's population. Residents of the area frequently travel outside the region to centres such as Alice Springs, commit offences there, and then return to the region. Often, the victim and witnesses to those offences are also from the region and return there. Once the offender has returned to the region, the same problem arises: the offender can easily evade arrest by moving over the border. So, the legislation allows for an offender who has offended outside the area or who ordinarily resides in the area to be arrested and dealt with. It must be remembered that, although police from the three jurisdictions may deal with offenders in the region, police can deal only with offences and offending from their own jurisdiction.

The Law Society also queries the operation of clause 18, which allows the cross-border laws to apply in relation to an offence committed or alleged to have been committed before the commencement of the act. The provision simply allows the government to streamline the justice system in the region. It will allow the court to hear and deal with any outstanding offences when a cross-border matter is being heard. Courts already do this. The ability to deal with matters under the cross-border legislation means that one sentence can be imposed and that sentence can be carried out in any of the participating jurisdictions. In some cases, that will mean an offender is able to serve his or her sentence closer to home and family than would otherwise be the case.

The Law Society was also concerned about the use of the word 'suspected' in the bill, suggesting that it should be appropriately defined. It is an ordinary word and it has ordinary meaning. The term is used throughout the criminal law and is not defined in any of the existing legislation. There is no reason why it should be given different treatment in this bill.

The last matter raised by the Law Society is that there should be no reverse onus provisions in this bill. Like the concern about retrospectivity, this appears to be a fear that the bill offends the rights of the accused. The provisions do not relate to the substantive offence; they relate only to questions of place of arrest and place of residence. These are threshold questions to establish jurisdiction.

There are three ways to establish a connection with a region. One is substantive (place of the offence) and the others (residency and place of arrest) are procedural. The procedural matters are threshold questions. They do not go to the guilt or otherwise of the alleged offender, nor do they affect whether the offender will be charged. It would, of course, have been inappropriate and unnecessary to reverse the onus on the Crown to prove all the elements of the events alleged beyond reasonable doubt.

The scheme is trying to redress the balance that currently exists in favour of alleged offenders because of the existence of the borders. Arguments about jurisdiction will frustrate the object of the legislation which is to deal with offending in the region and prevent offending in the region as effectively as possible. Police will present to the court, as they do now, details of the arrest and of the alleged offence. If the alleged offender challenges the jurisdiction he or she must prove, on the balance of probabilities, that there is no connection with the region.

This is innovative legislation that will address many of the difficulties and risks associated with justice delivery in the cross-border region. It is the result of a long and complex project involving many people and organisations from South Australia, Western Australia and the Northern Territory. I look forward to its commencement and the benefits that it will bring to the communities in the region.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: Can the minister indicate when it is intended that this bill will come into operation? The minister may well have mentioned that in his second reading response but I am afraid that I did not hear all of it.

The Hon. P. HOLLOWAY: My advice is that the executive group responsible for this have met only recently and they have decided that 1 September would be an appropriate time to start the scheme.

The Hon. R.D. LAWSON: Could the minister indicate whether the passage of this bill will require training of officers or any other educational programs; and, if so, what is involved and what is the likely cost of implementing this?

The Hon. P. HOLLOWAY: A lot of work has been undertaken, but I understand that today magistrates from all three jurisdictions were at a training session, I suppose we could call it, in relation to the new measures. I have also been advised that SAPOL has prepared training packages and has in place almost all of its protocols in relation to this scheme. The courts of higher jurisdiction are developing a bench book for the magistrates and other practitioners who will, I guess, be operating under this new legislation.

The Hon. R.D. LAWSON: I thank the minister for those indications. There will be no further questions.

Clause passed.

Remaining clauses (2 to 147), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

PAYROLL TAX BILL

Adjourned debate on second reading.

(Continued from 12 May 2009. Page 2254.)

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (21:44): I thank honourable members for their contributions to the debate. The Hon. Mark Parnell asked a number of questions, and I provide the following responses to those questions. The honourable member stated:

> In the current bill attempts are being made to harmonise the exemptions between various states.

I point out that the public announcements in regard to payroll tax harmonisation have always confirmed that the rates, thresholds and exemptions would not be harmonised. The South Australian government considers that the rates, thresholds and exemptions are policy decisions that respective governments should make individually when considering the overall tax mix and revenue necessary to be used to deliver services to the community, such as health, education, and law and order.

I am advised that the only change being made to exemptions in the bill is that the current charitable bodies exemption will be amended to apply to wages paid by a non-profit organisation that has as its sole or dominant purpose a charitable purpose, rather than a non-profit organisation that has a wholly charitable purpose. The amendment will result in a minor widening of the exemption.

This amendment follows on from the inclusion of an exemption in the Payroll Tax (Harmonisation Project) Amendment Act 2008 for charitable bodies, which was one of a number of new exemptions adopted in South Australia on equity grounds, consistent with the Victorian and New South Wales position. Since that change was made, New South Wales and Victoria have again amended this exemption, and the change in the current bill is being made to maintain alignment in that regard.

I am also advised that no changes are being made to existing South Australian specific exemptions that are not provided in New South Wales and Victoria, which, for example, included exemptions for non-profit kindergartens and child-care centres.

The honourable member also asked: can the minister clarify that all organisations that are currently exempt from payroll tax under the existing legislation will continue to be exempt from payroll tax? Variations on that question include what types of organisations the government believes may be getting payroll tax relief for the first time under this new proposed arrangement and whether there are any organisations at all that are currently exempt from payroll tax that will have to pay in the future.

I am advised that all organisations that are currently exempt from payroll tax under the existing legislation will continue to be exempt from payroll tax because, as stated above, the only change to exemptions in this bill are to widen the charitable bodies exemption. As there will be a minor widening of the charitable bodies exemption, some organisations which are currently not exempt may become exempt. However, no particular organisation has been identified at this stage.

The honourable member also asked for clarification that 'charitable' does include non-profit, non-government environmental groups. I am advised that the term 'charitable body' is not defined in either the Payroll Tax Act 1971 or in the proposed Payroll Tax Act 2009. Therefore, the question of whether or not an organisation is a charitable body is determined in accordance with common law principles. According to common law principles, a body is charitable in the technical and legal sense if it is established for the relief of poverty, the advancement of education, the advancement of religion or other purposes beneficial to the community and its objects are directed towards public benefit.

In the main, environmental protection organisations are considered to be charitable for the purpose of the payroll tax exemption. However, whether the non-profit, non-government environmental groups referred to by the honourable member are exempt from payroll tax is a question of fact and considered on the individual facts and circumstances of that organisation, once they have applied for the exemption.

I am further advised that the Commissioner of State Taxation is only able to disclose taxation information where it does not identify a taxpayer either directly or indirectly. Therefore, I am unable to confirm or deny whether any specific organisation is currently receiving the benefit of

the charitable bodies exemption for payroll tax purposes. The honourable member may wish to contact directly the particular organisation about which he is concerned to ascertain this information.

The honourable member has also asked for some detail about the interconnections between state and federal taxation regimes around the types of organisations that might be included; in particular, whether organisations on the Australian Tax Office's register of environmental organisations will be exempt from payroll tax in South Australia. In other words, is the test the same for payroll tax as it is for deductible gift recipients or is it some other test?

I am advised that in respect of the interconnections between state and federal taxation regimes around the types of organisations that might be considered charitable, the Australian Taxation Office determination provides a guide only for Revenue SA, and they are not bound by the Australian Taxation Office decision. Therefore, whether an environmental organisation is included on the register of environmental organisations deductible gift recipient or income exemption are certainly factors that would be considered, but they are by no means the sole test of whether an environmental organisation is exempt from payroll tax.

Organisations seeking to be exempt must first apply in writing to Revenue SA and provide records and documentation to support their application for exemption. Applications are then considered on a case by case basis, having regard to the organisation's constitution and/or memorandum and articles of association outlining the objectives under which the organisation operates; the details of the day-to-day activities and services provided by the organisation; the details of any commercial activities undertaken by the organisation applicable; and any other relevant information in support of the application. I again thank members for their indication of support for this bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. M. PARNELL: I thank the minister for his answers to the questions that I put on notice. I make the observation that I think it is a great pity that so few environment and conservation groups employ enough people to reach the threshold even to be considered for the payment of payroll tax. Certainly one such group is Greening Australia. They were the ones who led the charge last time to be exempted from payroll tax. I am pleased with the minister's answer that there are no hidden changes in relation to exemptions and that groups that are currently exempt will continue to be. I also accept his reasons why it is difficult to say whether the minor widening of the exemptions will result in any other groups being exempt. I guess we will wait to see what applications are lodged. I thank the minister for his answers to my questions.

Clause passed.

Remaining clauses (2 to 101), schedules and title passed.

Bill reported without amendment.

Bill read a third time and passed.

STAMP DUTIES (TAX REFORM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 May 2009. Page 2255.)

The Hon. D.G.E. HOOD (21:54): This long overdue bill finally phases out rental duties and mortgage stamp duty for South Australia as at 1 July 2009. It is indeed a historic moment, as I have before me just on my table here, thanks to the wonders of the Freedom of Information Act, the very agreement containing the signature of the Hon. John Winston Howard and another signature, namely, that of our then premier (Hon. John Wayne Olsen) that foresaw this very day. This document, which is dated 9 April 1999, contains a promise that Mr Howard would pay GST revenue to South Australia if we revoked certain state fees and charges. Paragraph 6 of the agreement states:

> ...the commonwealth will make GST revenue grants to the States and Territories equivalent to the revenue from the GST subject to the arrangements of this agreement.

In paragraph 5, our then premier promised that, in return, South Australia would cease to apply the wholesale sales tax from 1 July 2000 and revoke bed taxes and the payment of financial assistance grants from the same date. FID and debits tax were to be abolished from 1 January 2001, then a whole raft of stamp duties were to be abolished, including 'stamp duties on unmarketable securities; business conveyances (other than real property); leases; mortgages, debentures, bonds and other own loan securities; credit arrangements, instalment purchase arrangements and rental arrangements; and on cheques, bills of exchange and promissory notes, from 1 July 2001'.

So, here we are, over 10 years from the date of this now yellowed and crumbling agreement, finally dealing with stamp duty on rental property and mortgage duty, all delivered much later than was originally promised. It is, indeed, an overdue bill. And still South Australian families face the worst (or equally worst) stamp duty situation when trying to buy their family home. When looking at the interstate figures, I think it is now fair to say that South Australia is, indeed, the equal worst with Victoria when it comes to stamp duty on the purchase of a home.

For first home buyers, New South Wales offers a full exemption for homes priced under $500,000 (I am talking about stamp duty on the house, not the mortgage stamp duty), with a sliding reduction in that exemption up to $600,000. Western Australia, again, offers a full exemption for first home buyers under $500,000. Queensland has a full exemption for home buyers under $350,000, with a sliding reduction in exemptions up to $500,000. The Northern Territory gives full exemptions to first home buyers for homes costing less than $385,000. In the ACT, the stamp duty rate that first home buyers have to pay is just $20 up to the $333,000 mark. So, that is $20 in total in stamp duty up to a value of $333,000. The average Canberra house price is only $350,000. So, many first home buyers (and probably almost all of them) can expect to pay just $20 in stamp duty for their first home.

Why is South Australian stamp duty so high? South Australia offers only a $4,000 rebate to our first home buyers who purchase a home for up to $400,000, and this phases out for a property with a market value between $400,000 and $450,000 by $8 for every $100 increase in excess of $400,000. For the $333,000 house that I mentioned a moment ago, where an ACT resident would be paying a total of $20 in stamp duty, a South Australian first home buyer buying a home of equal value pays some $12,980 in stamp duty, and that is even after the full $4,000 has been deducted. So, it would be $16,980, minus the $4,000 deduction, which leaves a figure of $12,980, compared to just $20 in the ACT and nothing at all in the other states that I mentioned.

Is it any wonder that in some cases we have a problem retaining our youngest and brightest who are looking at buying their first home in this state? Indeed, I personally paid some $42,000 in stamp duty when I bought a home in the not too distant past. I am sure that when the stamp duty legislation was originally introduced many years ago that was not what was envisaged.

South Australia, indeed, has a very high take on our residents with respect to stamp duty: an estimated amount of some $885 million in the 2008-09 budget. Stamp duty in Queensland for the median Brisbane house price works out to be about 1.1 per cent of the house price. For Adelaide, the stamp duty is 3.7 per cent of the median house price, which is the second worst to Victoria, at a ridiculous 4.8 per cent. In Queensland, a person will pay $6,500 in stamp duty for a $400,000 home compared to our $16,300, and just $10,000 in stamp duty for a $500,000 home, compared to $21,330 in South Australia. That is $11,330 more in stamp duty for a house of exactly the same value in South Australia compared to what someone will pay in Queensland. Despite all that, Queensland still manages to get a higher percentage of general revenue from stamp duty than we do in South Australia. They have a lower stamp duty but, clearly, higher sales volumes provide the necessary revenue. One of the reasons might be that people are more willing to buy and sell real estate in Queensland and, as a result, the turnover is higher in that state.

By contrast, the South Australian stamp duty rate can, I am sure, influence some home owners in their decision not to sell but stay in their existing house, which may not suit their needs any longer. I am sure that the high stamp duty rates have some impact on their decision of whether or not to move.

If the figures were available, I would expect to see South Australians living in the first home for much longer and moving far less regularly than their interstate counterparts, because we tax so highly families who want to move house to accommodate larger families or because their circumstances have changed. This is not something that Family First would endorse.

Family First believes that across-the-board reduction of stamp duty—as Queensland has done—is one of the key areas for the growth and prosperity of our state. It would certainly help those who face very high levels of unaffordability in buying their first home at the moment.

Returning to the main topic of this bill, Family First will support the abolition of these duties. We wish that more could be done and that it could be done more quickly, because we believe that South Australia's very high stamp duty rates are causing tremendous headaches for first homeowners and other homeowners who want to move because of growing families or changes in their circumstances.

In addition to the abolition of rental and mortgage duty, the government also proposes to extend concessional stamp duty treatment provided to exploration licences to include geothermal licences, a move that Family First also supports. We therefore support the second reading of this bill and, indeed, we support the bill itself; however, we say that this is something that has been coming for a long time. We certainly support the thrust of the bill and the reduction—or the elimination in many cases—of stamp duty rates. However, we believe that the next target should be the stamp duty on the sale of homes themselves.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (22:01): I thank the Hon. Mr Hood, the Hon. Mr Ridgway and other members who took part in this debate for their indication of support. I commend the bill to the council.

Bill read a second time and taken through its remaining stages.

MARITIME SERVICES (ACCESS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 May 2009. Page 2257.)

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (22:05): I thank honourable members for their contributions and indications of support for this important bill.

Bill read a second time and taken through its remaining stages.

PUBLIC SECTOR BILL

In committee.

Clause 1.

The Hon. P. HOLLOWAY: On behalf of my colleague the Hon. Gail Gago, I would like to place on record the answers to a number of questions that were asked, first, by the Hon. Rob Lucas during his second reading contribution. The Hon. Mr Lucas asked about executives and their tenure arrangements. I am advised that, as at June 2007, 1,191 persons in the public sector were classified as executives. This represents 1.3 per cent of the South Australian public sector workforce.

The SAES is currently available to PSM Act Public Service executives. As at 31 March 2009, there were 552 executives in the Public Service, and 428 of these persons have accepted an SAES contract. In respect of tenure arrangements, executives have been employed on a contractual basis since 1994. On 8 September 2004 the government made a policy decision not to offer fall-back duties for PSM Act executives. Data was not collected on the number of executives who declined to give up tenure when it was offered to them. I am advised that as at June 2008 there were 40 tenured and 131 untenured PSM Act EX category executives. Additionally, there were four tenured and 44 untenured MLS executives, and one tenured EL executive. I am advised that no data has been collected regarding the number, if any, of executives given tenure since the policy change.

The Hon. Mr Lucas also asked about the number of employees appointed other than via a merit process, pursuant to the commissioner's current power to determine classes of cases where merit selection is not required. I am advised that, as of 30 June 2008, 580 employees had been appointed pursuant to section 22(1)(d), and I have a schedule providing the breakdown of those numbers, and I seek leave to have the statistical table inserted in *Hansard* without my reading it.

Leave granted.

Appointments Pursuant to Section 22(1)(d) of the PSM Act

Section 22(1)(d)	Frequency of use as at 30 June 2008
The person to be appointed was clearly the best person for the position based on an assessment of merit and therefore the selection process would be an unnecessary procedure	88
The position is of a critical and short term nature	6
The appointment was required to ensure that whole of government workforce policies can be effectively implemented (such as management of excess and work injured employees)	65
The appointment of a contract employee with a right of appointment to an ongoing position at the end of their contract when this has not been written into their contract	4
The conversion of a contract employee to ongoing (or a 1-5 year contract), where there has been a previous merit based selection process	366
The appointment to an ongoing positions of a temporary contract employee following appointment for 2 or more years in a temporary position ('two year rule'—breach of Section 40(5) of the PSM Act)	14
The appointment of an existing ongoing employee to the same position on a 1-5 year contract where it is necessary to offer special conditions to attract/retain the employee	37

The Hon. P. HOLLOWAY: The Hon. Mr Lucas also asked about ministerial responsibility in relation to an attached officer. The attached officer provisions allow for an alternative structure that allows a chief executive to report directly to a minister regarding policy without having to create all of the bureaucratic structures that normally attend a department. So, the minister to whom the chief executive reports on policy matters will be responsible for those matters.

The Hon. Mr Lucas asked about the duties of corporate agency members and senior executives. The Public Sector Management (Consequential) Amendment Bill 2008, which is currently before the parliament, retains the honesty and accountability provisions (divisions 3 to 9 and section 79A) of the Public Sector Management Act 1995. These are the provisions to which the Hon. Mr Lucas referred. The duties set out in those provisions are all retained and, just as they do currently, those provisions apply to chief executives within the public sector and the Public Service. This, of course, includes the obligation to declare and avoid acting in respect of conflicts involving personal interests.

Mr Lucas asked about the whole of government direction power of the Premier. The Premier's powers under the Public Sector Bill 2008 extend across the public sector, as compared with the Public Sector Management Act 1995, where his powers were limited to the Public Service. The Premier also has the new power to direct the sharing of information and collaboration between agencies. This provision is part of a range of measures set in place towards bringing the whole of government (across the public sector) to work closely together in the achievement of whole-of-government objectives. Other such measures being put in place include the South Australian Executive Service, mobility provisions, more parts of the bill governing the whole of the public sector and more consistent standards.

The Hon. Mr Lucas asked about the new governance provisions. The provisions are set out in clause 10 and are entirely new. They are designed to create greater consistency in governance structures and to ensure transparency. The Hon. Mr Lucas asked whether the Ombudsman is a public sector agency. The answer is, yes, the Ombudsman is a public sector agency, under the definition in the bill.

Finally, the Hon. Mr Lucas asked whether the right to review reclassification decisions exists under the bill. As indicated in my colleague's second reading reply, the right does exist. However, we are also moving amendments to ensure greater protection of this right.

The Hon. Mr Ridgway recently asserted that the matters he raised had not adequately been dealt with in the second reading contribution of the minister. He has again raised issues regarding the increase in public sector workers under this government. As indicated in the second reading, we are proud of the fact that we have increased the number of public sector workers to deliver the services demanded by South Australians in health, education and law and order.

I am advised that, between 2002 and June 2007 (the last date for which we have the relevant data), there was a total increase over all categories by 10,959 FTEs. This includes medical officers, an increase of 642; nurses, an increase of 2,390; other health and community services, an increase of 4,891; education and TAFE—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, I assume that is the case—an increase of 1,357; and police and emergency services, an increase of 560. As I have indicated, these increases are a good thing. The government looks forward to addressing the issues raised by members during the committee stage.

Progress reported; committee to sit again.

STATUTES AMENDMENT (ENERGY EFFICIENCY SHORTFALLS) BILL

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

At 22:16 the council adjourned until Thursday 14 May 2009 at 11:00.