LEGISLATIVE COUNCIL

Tuesday 16 June 2009

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

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

SOUTHERN STATE SUPERANNUATION BILL

His Excellency the Governor assented to the bill.

MENTAL HEALTH BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

MINISTERIAL TRAVEL

188 The Hon. R.I. LUCAS (12 February 2008) (Second Session). Can the Minister for Families and Communities state—

1. What was the total cost of any overseas trip undertaken by the then Minister and staff since 2 December 2006 up to 1 December 2007?

2. What are the names of the officers who accompanied the then Minister on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the then Minister's office budget, or by the then Minister's Department or agency?

5.

(a) What cities and locations were visited on each trip; and

(b) What was the purpose of each visit?

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): The Minister for Environment and Conservation has provided the following information:

1. Total Cost: $29,651.35.

2. Hon. Jay Weatherill, MP, Ms Victoria Purman and Ms Gabrielle Hummel.

3. Yes, at own expense.

4. Minister's Office.

5.

(a) Cities: London, Glasgow; and Aberdeen.

(b) The purpose of each visit was to meet with: English Partnerships; The Young Foundation; Crime Concern; KeyRing; UK Cabinet Office; In-Control, Howard Hotel; Cavendish Square; Queen Elizabeth Hospital, Children's Services Unit; Glasgow Housing Association; and Aberdeen Foyer Project.

TONSLEY RAIL SERVICE

273 The Hon. D.G.E. HOOD (5 May 2008) (Second Session). Can the Minister for Transport advise—

1. Have any feasibility studies been conducted into extending the Tonsley railway line to provide a rail stop at Flinders University and Medical Centre, and

2. If so, will the Minister release any such reports?

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): The Minister for Transport has advised:

On 4 July 2008, the Australian and South Australian Governments announced a $4 million Transport Sustainability Study into urban congestion in Adelaide, which will include an investigation into extending the Tonsley Rail line to the Flinders Medical Centre. The investigation will also include the development of a public transport interchange, Park 'n' Ride and Transit Oriented Development on an extended Tonsley line.

On 28 October 2008 the Department for Transport, Energy and Infrastructure called for a public Expression of Interest for the provision of specialist services to undertake the Darlington Transport Study, which incorporates planning studies for the Tonsley Railway Line and an interchange hub.

On 29 October 2008 Premier Mike Rann and Infrastructure Minister Patrick Conlon announced that the Darlington Project, which includes an extension of the Tonsley Line to the Flinders Medical Centre, is included in South Australia's priority projects submitted to Infrastructure Australia.

GLENELG TRAM

153 The Hon. D.G.E. HOOD (24 September 2008). Can the Minister for Transport advise the number of ticket validations on the Glenelg tram each month from July 2006 to the present month?

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): The Minister for Transport has advised:

Below is a table displaying the number of tram ticket validations by month from July 2006 to 25 September 2008:

Month	Total Validations
July 2006	167,602
August 2006	187,770
September 2006	189,389
October 2006	201,749
November 2006	195,466
December 2006	200,591
January 2007	198,678
February 2007	192,642
March 2007	220,328
April 2007	183,667
May 2007	183,683
June 2007	148,899
July 2007	171,016
August 2007	171,778
September 2007	190,121
October 2007	226,265
November 2007	233,420
December 2007	222,949
January 2008	232,324
February 2008	222,601
March 2008	209,967
April 2008	209,040
May 2008	199,741
June 2008	181,411
July 2008	194,849
August 2008	193,432
to 25 September 2008	186,828

REGIONAL RAIL SERVICE

164 The Hon. D.G.E. HOOD (24 September 2008). Can the Minister for Transport advise:

1. Have any feasibility studies been conducted into allowing regional passenger rail services within South Australia?

2. If so, will the minister release any such reports?

3. If not, what is preventing the minister from restoring regional rail services as found in other states?

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): The Minister for Transport has advised:

1.&2. There have been no feasibility reports completed into regional rail passenger services.

3. In outer metropolitan and regional South Australia, the Government funds or coordinates a range of regular passenger transport services, such as those in the Fleurieu Peninsula, the Adelaide Hills, Gawler and the Barossa Valley.

These services include:

- Regular Route Services (Country Bus) Services
- Provincial City Services (local intra-town services that operate in Port Pirie, Whyalla, Port Augusta, Port Lincoln, Murray Bridge and Mount Gambier)
- Community Passenger Networks (to assist people who are transport disadvantaged to access transport services)
- Integrated Transport Services (which provide regular passenger services between smaller towns into major regional cities and are designed to link with Regular Route Services in major centres to enable passengers to travel to Adelaide)
- Special Medical-related Services (providing access to Adelaide for medical appointments, on a daily basis and are available for people unable to access general passenger transport services); and
- Dial-a-Ride services (they provide a door-to-door service, available for travel within a defined city or township).

SOUTHERN EXPRESSWAY

165 The Hon. D.G.E. HOOD (24 September 2008). Can the Minister for Transport advise:

1. Have any feasibility studies been conducted into allowing the Southern Expressway to run in both directions outside of peak hours and on weekends?

2. If so, will the minister release any such reports?

3. Is the proposal feasible?

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): The Minister for Transport has advised:

1. I refer the honourable Member to the question response tabled in Hansard on 14 October 2008, page 252.

2. I refer the honourable member to the question response tabled in Hansard on 14 October 2008, page 252.

3. The Department for Transport, Energy and Infrastructure considers that the option to run the existing Southern Expressway in both directions would require major alterations and upgrades of the current infrastructure.

The original two stages of the Southern Expressway cost $162 million, but it could have been duplicated by the Liberal Government at the time for an investment of an extra $73 million.

Unfortunately the Liberals did not properly plan or fund the project, and to duplicate it now would involve modifying a significant number of bridges that are too narrow, as well as rebuilding access ramps and carrying out extensive earthworks.

This means duplication would now cost approximately $280 million; $177 million more than if the Liberals had planned and budgeted properly from the outset.

Because of this unnecessary and prohibitive cost and given this Government's current investment program on South Road, such as the Anzac Highway underpass, and our $2 billion public transport infrastructure commitment, the duplication of the Southern Expressway in the foreseeable future is not on the agenda.

GENESEE AND WYOMING AUSTRALIA

179 The Hon. D.G.E. HOOD (3 February 2009). Can the Minister for Transport advise what price Genesee and Wyoming Australia is asking from other rail users, such as the Barossa Wine Train, for access to the Gawler Central to Angaston rail line?

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): The Minister for Transport has advised:

1. Due to Commercial in Confidence, price information is unable to be provided.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. I.K. HUNTER (14:21): I bring up the report of the committee on an inquiry into bogus, unregistered and deregistered health practitioners.

Report received and ordered to be published.

PAPERS

The following papers were laid on the table:

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

2020 Renewable Energy Target—South Australian Government Report under the Climate Change and Greenhouse Emissions Reduction Act 2007

Potential for Renewable Energy in South Australia—Report to South Australian Department of the Premier and Cabinet

The Future Prospects for Renewable Energy in South Australia—Report for the Sustainability and Climate Change Division of the Department of Premier and Cabinet in South Australia

Regulations under the following Acts—

- Associations Incorporation Act 1985—Fee Increases
- Bills of Sale Act 1886—Fees
- Births, Deaths and Marriages Registration Act 1996—Fees
- Branding of Pigs Act 1964—Fees
- Brands Act 1933—Fees
- Business Names Act 1996—Fees
- Chicken Meat Industry Act 1003—Fees
- Community Titles Act 1996—Fees
- Co-operatives Act 1997—Fees
- Coroners Act 2003—Fees
- Cremation Act 2000—Fees
- Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—Fees
- Criminal Law (Sentencing) Act 1988—Fee Increases
- Dangerous Substances 1979—
  - Dangerous Goods Transport—Fees
  - Schedule 2—Fees

District Court Act 1991—Fee Increases
Employment Agents Registration Act 1993—Fees
Environment, Resources and Development Court Act 1993—Fee Increases
Explosives Act 1936—
Fireworks—Fees
Security Sensitive Substances—Fees
Schedule V—Fees
Fair Work Act 1994—Representation—Fees
Fees Regulation Act 1927—
Assessment of Requirements Water and Sewerage—Fees
Public Trustee Administration Fees—Fees
Fire and Emergency Services Act 1005—Fees
Firearms Act 1977—Fees
Fisheries Management Act 2007—
Demerit Points
Fees
Land Tax Act 1936—Fees
Livestock Act 1997—Fees
Magistrates Court Act 1991—Fee Increases
Mines and Works Inspection Act 1920—Fees
Mining Act 1971—Fees
Occupational Health, Safety and Welfare Act 1986—Fees
Opal Mining Act 1995—Fees
Partnership Act 1891—Fees
Petroleum Act 2000—Fees
Petroleum Products Regulation Act 1995—Fees
Primary Produce (Food Safety Schemes) Act 2004—
Citrus Industry—Fees
Meat Industry—Fees
Public Trustee Act 1995—Fees
Real Property Act 1886—Fees
Registration of Deeds Act 1935—Fees
Roads (Opening and Closing) Act 1991—Fees
Security and Investigation Agents Act 1995—Fees
Sewerage Act 1929—Fees
Sexual Reassignment Act 0 1988—Fees
Sheriff's Act 1978—Fees
Strata Titles Act 1988—Fee Increases
Summary Offences Act 1953—Dangerous Articles and Prohibited Weapons—Fees
Supreme Court Act 1935—Fee Increases
Valuation of Land Act 1971—Fees
Waterworks Act 1932—Fees
Worker's Liens Act 1893—Fee Increases
Youth Court Act 1993—Fee Increases

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

District Council of Cleve—General and Coastal Development Plan Amendment Report by the Council
Regulations under the following Acts—
Development Act 1993—Fees

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

State of the Environment Report 2008 Errata
Regulations under the following Acts—
Adoption Act 1988—Fees
Animal Welfare Act 1985—Fees
Authorised Betting Operations Act 2000—Fees
Botanic Gardens and State Herbarium Act 1978—Fees
Controlled Substances Act 1984—
Pesticides—Fees

Poisons—Fees
Crown Lands Act 1929—Fees
Dental Practice Act 2001—General
Environment Protection Act 1993—
Beverage Container—Fees
Fees and Levy—Fees
Site Contamination—Fees
Freedom of Information Act 1991—Fees and Charges
Gaming Machines Act 1992—Fees
Harbors and Navigation Act 1993—Fees
Heritage Places Act 1993—Fees
Historic Shipwrecks Act 1981—Fees
Housing Improvement Act 1940—Section 60 Statements—Fees
Local Government Act 1999—General—Fees
Lottery and Gaming Act 1936—Fees
Mental Health Act 1993—Ministerial Agreement
Motor Vehicles Act 1959—
Accident Towing Roster Scheme—Fees
Fees
Schedule 5—Fees
Schedule 6—Fees
National Parks and Wildlife Act 1972—
Hunting—Fees
Wildlife—Fees
Native Vegetation Act 1991—Fees
Natural Resources Management Act 2004—
Financial Provisions—
Fees
Water Licences
2008-09 Levy Exemption
General—
Fees
Water licences and Water Register
Passenger Transport Act 1994—General—Fees
Pastoral Land Management and Conservation Act 1989—Fees
Private Parking Areas Act 1986—Fees
Public and Environmental health Act 1987—Waste Control—Fees
Radiation Protection and Control Act 1982—
Ionising Radiation Fees
Non-Ionising Radiation Fees
Road Traffic Act 1961—Miscellaneous—
Inspection—Fees
Offences—Fees
State Records Act 1997—Fees
Tobacco Products Regulation Act 1997—Fees

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

Regulations under the following Acts—
Building Work Contractors Act 1995—Fees
Conveyancers Act 1994—Fees
Land Agents Act 1994—Fees
Liquor Licensing Act 1997—General—Fees
Plumbers, Gas Fitters and Electricians Act 1995—Fees
Residential Parks Act 2007—Rented Property
Second-hand Vehicle Dealers Act 1995—Fees
Trade Measurement Administration Act 1993—Fees
Travel Agents Act 1986—Fees

ITALIAN CONSULATE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:27): I table a copy of a ministerial statement relating to the proposed closure of the Italian Consulate made earlier today in another place by the Premier.

RETRACTION AND APOLOGY

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:27): I table a copy of a ministerial statement relating to the dodgy documents made earlier today in another place by the Premier and a copy of a letter from the Leader of the Opposition and the Leader of the Opposition's lawyer.

SWINE FLU

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) (14:28): I table a copy of a ministerial statement relating to swine flu made earlier today in another place by my colleague the Minister for Health.

QUESTION TIME

PORT FACILITIES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about port facilities in the Upper Spencer Gulf.

Leave granted.

The Hon. D.W. RIDGWAY: Members would be well aware that the government instigated with a consortium a feasibility study on the Port Lowly deep water bulk commodities port. Members would also be aware that there are ongoing talks with the government about the use of port facilities in Port Lincoln for the export of product from the Centrex mine. I also draw members' attention to a letter—perhaps some other members have received it—from Mr Bryan Lock of Iron Knob. He points out some things that are worth putting on the record. The letter states:

> [There are a number of] people...They are a very concerned cross-section of this region's community and include very many articulate and intelligent people with a common goal, which is to ensure that when the inevitable loading facility is constructed it is in the best place possible for long-term use and constructed in such a manner as to present the current and future generations with minimised environmental risk.

The letter continues:

- A consortium wanting to build the loading facility at Port Lincoln
- OneSteel barge loading facility at Whyalla
- Santos loading facility at Port Bonython
- A consortium wanting to construct [another facility] at Port Lowly...

Of course, BHP wants to build an unloading facility at Port Augusta for the expansion of the Roxby Downs mine.

This particular group raises some questions about an area known as Mullaquana and has a view that that is the best location in the Upper Spencer Gulf region to build a deep sea port. Given that there has been a slowing in the world economy and that our mineral exploration has slowed and BHP and other mining companies are finding the economic climate a little challenging at present, it provides an opportunity for the government to get something right for once and build a facility or facilitate the construction of a facility which is in the long-term interests of South Australia. My question is: why has the government not considered all possible sites for this much needed port facility, given there is no response on the Mullaquana suggestion?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:34): I do not accept that the government has not considered it. The Treasurer and I, when we had our community cabinet meeting in Whyalla several months ago, met with a group of residents. The honourable member is

quite right: some of them are well connected and some have held senior positions in OneSteel. They were putting forward the Mullaquana proposal. Of course, Mullaquana is about 30 or 40 kilometres south of Whyalla, and I believe it would need a jetty at least 4.5 kilometres long, which would be significantly longer and more expensive to build than a jetty at Port Bonython.

This government, through my colleague the Minister for Infrastructure, has looked at this. When expressions of interest were called some time back, the department had done some preliminary work in relation to this. In the end, proposals were put forward by a number of consortia, including Flinders Ports, which was selected. They have given a report to the government, which the government is now considering. It is up to my colleague the Minister for Infrastructure as to when decisions are made in relation to that.

Certainly, these issues have been canvassed. I think it is clearly understood that, if you were to have a port at Mullaquana, it would be somewhat more expensive than a port at Port Bonython. Of course, the community—

The Hon. D.W. Ridgway: How much more expensive?

The Hon. P. HOLLOWAY: Well, given the jetty is going to be about two kilometres longer—and the fact that you would have to put rail down there for bulk commodities—it would have an additional cost in relation to each tonne going out as well as to the capital costs. The group that was advocating that point out that there is potentially deeper water down there and, obviously, the further south you go in the gulf the deeper the port is. That group made it clear that their motivation for proposing Mullaquana was that it was in their interest in relation to Point Lowly where at least some of them had shacks.

This government has to look at what is in the best interests of the community. The honourable member also referred in his question—and I do not know whether it was inadvertent, but he implied it—to the fact that OneSteel was looking at a barge loading facility. OneSteel has been using barge loading for iron ore for a year or two.

Really, in some ways, it is the key to ensuring that facilities are built in that region. OneSteel itself is obviously a large player. Clearly, barge loading is a more expensive alternative than using a deep water port. OneSteel, if it has not already reached it, is approaching exports of 6 million tonnes a year. It has capacity for an extra 2 million tonnes with barge loading, but that would then be the limit of its capacity. If it were to expand further into bulk loading, it would also need to go to a more permanent facility.

Clearly, OneSteel is a player in this business. The difficulty in reaching any decision in relation to port facilities is that, on the one hand, no-one is going to invest in a port unless they are guaranteed throughput to pay for that port. Companies that are seeking finance to export iron ore, in particular, which should be the main commodity, are unable to proceed unless there is a port.

So, there is a chicken and egg situation here and that is why the government is involved and is a key player to ensure that we can deal with those issues. I will be having meetings with my other colleagues in the near future in relation to that because the government is well aware of the importance of the facility in that area for the future of our export industries, but it is a very complex issue.

We have looked at a number of alternatives, but clearly the timing of projects and bringing that all together will be the challenge facing the government, particularly when some of those potential iron ore producers in the Coober Pedy region of the state are small players and will themselves need to get finance in relation to their projects. A number of negotiations on a number of levels need to be brought together to ensure that this happens. Obviously, the government will be looking at playing its part in this important issue.

OFFICE OF CONSUMER AND BUSINESS AFFAIRS

The Hon. J.M.A. LENSINK (14:39): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs questions about red tape.

Leave granted.

The Hon. J.M.A. LENSINK: On 4 February this year I asked the minister about red tape. In her answer she stated that the Office for Consumer and Business Affairs (OCBA) intended to implement projects in this current financial year to achieve a reduction of red tape in the order of some $5.4 million.

In the 2009-10 budget papers, OCBA's Consumer and Business Affairs Division expects to increase income derived from fees, fines and penalties by some $1.59 million, which is an increase of nearly 13 per cent and over five times the CPI. My questions to the minister are:

1. What is the status of OCBA's IT systems changes that are due to be completed at the end of this financial year?

2. How does this massive hike contribute to the government's stated aim of reducing red tape by 25 per cent, and was it contained within OCBA's action plan?

3. Does the fact that the pages on the government's Competitiveness Council website—www.competitivesa.biz—have not been updated since 2007 indicate that the government's commitment to red tape reduction is a complete joke?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:41): I thank the honourable member for her ongoing interest in this very important area. Indeed, as I have stated in this place before, the Office of Consumer Affairs plays a very important role in contributing to the government's red tape reduction strategy.

During 2007-08, OCBA's reforms alone contributed to around $12 million in red tape reduction; so, our track record is indeed impressive. New projects commenced in 2008-09 will further contribute to red tape reduction savings. I have put on the record before the $2.6 million, with potential savings in the vicinity of $6.8 million in 2009-10, and further savings as a result of COAG initiatives in 2010-11 and 2011-12.

I have spoken before about the 2008-09 initiatives and the sorts of savings that we have made around the mutual recognition of licences, assisting the application process for trade licences and allowing faster processing of tradespeople, as well as the recognition of overseas qualifications and various IT changes that are being made to accommodate that. I am advised that the new system will be in place later this year, with savings amounting to $2.58 million. In terms of where that specific program is up to, I am happy to take that part of the question on notice and bring back a response.

In relation to the 2009-10 initiatives, and specifically the abolition of recreational services, the Limitation of Liability Act 2002 was introduced to allow amateur recreational and sporting groups to limit their liabilities at a time when we all know it was quite difficult to obtain public liability insurance, the impact of which was that some organisations had to close down.

The issue of codes did not work very well, so we made changes, clubs having reported significant costs associated with the development of those codes. We have made changes to our proposed legislative reforms that again will provide significant streamlining of provisions for those recreational clubs. The abolition of the need for codes will allow 511 sporting organisations to better manage their liability. I am told that the savings that that will generate amount to around $5 million.

In terms of other significant developments dealing with counter transactions for Service SA (particularly in the metropolitan area but also in some regional areas), we are opening 10 service centres in the metropolitan area, which will give customers a much greater choice and facilitate their access and ability to undertake those transactions.

We have stated in this place previously that we have developed call centres, which provide better referral and reporting on the movement of transactions. We have put a number of services online, so that businesses and members of the public do not have to go into a building to conduct their transactions. That has considerably streamlined services, which I have been advised will potentially provide savings of about $1.7 million starting in 2009-10.

The COAG reforms have provided significant reforms in the uniform product safety laws, which will mean a significant reduction in red tape, which I am advised will provide savings in the vicinity of $.5 million. I have reported in this place previously that I have been advised that the trade measurement transfer to the commonwealth will provide about $0.6 million in savings, and significant potential savings will flow from the transfer of business names to the commonwealth. So, not only does our past track record demonstrate our commitment to reducing red tape but we will actively pursue into the future a program to consolidate those red tape savings as well.

OFFICE OF CONSUMER AND BUSINESS AFFAIRS

The Hon. T.J. STEPHENS (14:47): I have a supplementary question. Minister, what cost do you think you have imposed upon the real estate industry with the changes that were forced upon that industry? When you talk about reductions, what about the actual increased cost?

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) (14:47): Again, I am very appreciative of the opportunity to talk about the reforms to the real estate sector. Indeed, as Minister for Consumer and Business Affairs, I advise that it is always a balancing act, and I think we do a very good job in getting that balance right. On the one hand, we want the business environment to be a place of vibrancy and viability. We want to encourage businesses to come here to South Australia, and we want them to be run well. In terms of their legal requirements, we are very keen to make sure we minimise the sorts of imposts those legal requirements impose on businesses. However, we have to balance these considerations with consumer rights and protections.

In relation to the real estate industry, we know that complaints have been made to our office by consumers who have been very frustrated, for instance, by the process at property auctions, which were notorious for the practice of dummy bidding to affect the price of properties, and I am sure my colleagues will concur with this view. Also, there are a number of issues that a purchaser should be made aware of in terms of the checks and balances they need to look into, such as easements and issues around property title and conditions put on a property.

Potential purchasers have to be provided with a template check list. This template is something that can be just copied off; it is not a form that real estate people have to generate for each transaction. A copy of this template check list is required to be handed to prospective buyers, and this check list ensures that a person looking at buying a property thinks about the sorts of problems and issues that might end up costing them huge amounts of money.

As I said, it is about getting the balance right. This area was, in some ways, notorious for practices that consumers complained about so we inserted some provisions. We made sure when we planned those provisions to look at the softest touch possible. We looked at how we could protect the rights of consumers and fix the problems that we had identified without being too heavy-handed or making the impost too great. The confidence of consumers attending auctions has increased because they have far more trust in the process whereas previously there was a concern that they might be being taken for a ride.

So, I think those sorts of things are good for consumers and for improving confidence in the industry, which is good for property transactions.

OFFICE OF CONSUMER AND BUSINESS AFFAIRS

The Hon. T.J. STEPHENS (14:51): I ask a supplementary question. When talking about net savings in red tape, what figure has the minister included with regard to the actual cost to business of the red tape that has been imposed on the real estate industry, or does the minister think that there has been no additional cost?

The PRESIDENT: Order!

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) (14:51): I have already answered that question. I said that—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: It is a balancing act.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

An honourable member interjecting:

The Hon. G.E. GAGO: Yes. They are factored in.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: Those things are factored in. We do get the balance right. I will attempt to find that level of detail, that minutiae, because we do consider—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —these very carefully. We use business cost calculators with all of our assessments. So, all those factors are factored in, and the savings that I have informed the council about today are net savings and take into account the cost implications as well.

As I said, I am more than happy to provide those figures, but I point out that they are net savings costs and they factor in the full cost implications of those initiatives. The opposition can rest assured that they are real savings.

SIGNIFICANT TREES

The Hon. S.G. WADE (14:53): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about neighbourhood disputes with respect to trees.

Leave granted.

The Hon. S.G. WADE: A publication entitled 'Trees and the law—a guide for neighbours' by the Legal Services Commission of South Australia states:

> The Local Government Act 1999, section 254, gives councils the power to clean up private land, including trees. A council may order an owner or occupier of a property to remove overgrown vegetation, cut back overhanging branches, or to remove a tree where such growth creates or is likely to create, danger or difficulty to persons using a public place or is unsightly and detracts from the amenity of the local area.
>
> If requested by an affected neighbour, a council has the power to require the owner or occupier of an adjoining property to remove or cut back encroaching vegetation (Local Government Act 1999 section 299(1)). However, councils have indicated that they do not wish to be involved in neighbour disputes so this is not a likely option.

I have been approached by Mr Bill Thomas, a resident of the City of West Torrens, who sought to have an itchy tree removed from an adjoining property. The council declined to issue an order under section 299, suggesting that neighbours should use civil action. I note that that is consistent with the predicted action by the Legal Services Commission.

The tree allegedly subsequently damaged the resident's property. The opposition understands that there is significant diversity in the approach of councils to the use of sections 254 and 299 between cases in one council and between councils. I understand that Mr Thomas has corresponded with minister Gago and her predecessor minister Rankine.

I ask the minister: does the government consider that local councils are sufficiently proactive in the use of sections 254 and 299 to support the timely and cost-effective resolution of neighbourhood disputes with respect to trees?

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) (14:55): Neighbourhood disputes involving trees and such like are common. I may have received some correspondence (I am not sure of the name of the person to whom the honourable member is referring) from that person and am waiting to get advice to respond to it. It is a matter for local councils. Neighbours can have very different viewpoints about what is an encroachment and something that is potentially damaging or getting in the way of their property or affecting their amenity in some way in terms of views, leaves dropping, berries that stain footpaths, and so on. It can often cause quite significant agitation among neighbours and end up in a great deal of letter writing between ratepayers and their local councils.

Generally speaking, it is a matter for local councils to deal with. If property owners believe such a matter is not being dealt with appropriately, I am happy to hear from them and look into their situation. However, I encourage neighbours to work out these matters at a local level with their neighbours, as that is always the best way to resolve things, and to try to communicate well; and, if

not, to involve the local council. If they believe the local council is not addressing their concerns according to the appropriate legislation, I am happy to look into it.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Leader of the Government and the Leader of the Opposition will come to order.

The Hon. D.W. Ridgway: He started it.

The PRESIDENT: Order! Dobbing does not impress the President, either!

LEFEVRE PENINSULA

The Hon. CARMEL ZOLLO (14:58): Is the Minister for Urban Development and Planning able to provide an update on steps this government is taking to entrench Port Adelaide and LeFevre Peninsula as a key strategic industrial precinct for the state and generate jobs for South Australians? Has the government finalised the rezoning for the northern part of the peninsula that was put out for public consultation in October last year?

The Hon. D.W. Ridgway: That was in the business section of the *Advertiser*.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:59): I am pleased the leader read it, and I am pleased that the Mayor of Port Adelaide Enfield has congratulated the government in relation to the action it has taken. As everyone may not have read it, it is important that I inform the council of the important changes there. The government has a long-term strategic vision for Port Adelaide, and to support that vision we have invested millions of dollars through the construction of the Port River Expressway bridges, the Marina Adelaide marine industrial precinct at Largs North, the LeFevre Peninsula rail freight corridor upgrades and the deep sea grain wharf and grain terminal. We have also deepened the Outer Harbor shipping channel, developed Techport Australia and also supported the Port waterfront redevelopment project.

This government has also announced plans to electrify the Outer Harbor rail line and to extend the light rail service to Semaphore. The latest step in the investment in a revitalised Port Adelaide is the rezoning of the northern LeFevre Peninsula through a ministerial development plan amendment. LeFevre Peninsula now has room to grow into an internationally competitive port hub with the addition of more land for job-creating industries. Following extensive community consultation, an additional 62 hectares of land on LeFevre Peninsula has been rezoned for defence, infrastructure and port-related industry.

The zoning changes will bring new industry to the region and provide new job and career opportunities for generations to come. The supply of additional land on the northern section of the peninsula will help to meet the new demand generated by this government's success in attracting the $8 billion air warfare destroyer contract to South Australia and other major infrastructure developments in the region. The rezoning also provides part of the additional supply of employment land being prepared for staged release in Adelaide's established metropolitan areas during the next 30 years.

There has been significant private and public investment on the peninsula during the past five years. The development plan amendment (DPA) is the next step in the ongoing development of this area. The development plan amendment attracted more than 50 submissions during the public consultation period last year. The Independent Development Policy Advisory Committee then considered these submissions before providing its advice to the minister as part of the consultation process. Many of these submissions raised concerns about the natural environment on the peninsula. That is why the final development plan amendment establishes a framework that allows us to integrate new industry within the natural landscape, including an open space corridor from the coast at North Haven to Mutton Cove on the Port River.

The northern LeFevre Peninsula DPA recognises the need for buffer zones and open space to maintain the integrity of the environment. The plan also protects areas of significant biodiversity and provides stormwater management policies for the area. The approval of the final development plan amendment also signals the green light to begin stage 1 of open space planning and design for this area of LeFevre Peninsula. The government has committed more than

$5 million to enhance the local open space networks, and the community will be encouraged to be actively involved in this process. The land affected by the development plan amendment (much of it owned by the state government) is within the Port Adelaide Enfield council and includes sections of Largs Bay, Largs North, Osborne and Outer Harbor. The DPA also affects some land not within a council area.

Development plans contain the zones, maps and written rules or policies that guide property owners and others as to what can and cannot be done in the future on any piece of land in the area covered. The zones, maps and policies provide the detailed criteria against which development applications will be assessed and become part of the development plan for the relevant councils. The zones, maps and policies should be viewed within the context of the extensive master planning already carried out by Defence SA. This rezoning will help drive Port Adelaide's continued transformation into one of South Australia's key industrial and job-generating precincts.

The peninsula is one of three key areas for industry in this state, playing an important role in supporting our expanding export industries due to the integration of rail, road and port facilities. The rezoning will ensure a coordinated development and strategic release of land for port and industrial activities. This government wants to create a well-planned and integrated industrial precinct to support defence and export-related industries that provides jobs and career opportunities for South Australians while also attracting skilled people and their families to live in this state.

Copies of the ministerial development plan amendment are available at the Department of Planning and Local Government, Level 5, 136 North Terrace and on planning's website. I urge members of the public, the community and industry groups to join us in looking to the future—a future that encompasses job generating employment lands supported by key infrastructure to ensure higher living standards for all South Australians.

SIGNIFICANT TREES

The Hon. D.G.E. HOOD (15:04): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a very timely question, given the earlier discussion, about significant trees legislation.

Leave granted.

The Hon. D.G.E. HOOD: I have recently had contact from a number of constituents regarding problems with so-called significant trees on their own private properties. Constituent No 1, I will call her, from Klemzig had a large tree drop its limbs on her fence twice, which required extensive repairs to the fence. Apparently this constituent's insurance premiums have increased quite substantially as a result of the continuing damage caused by this large tree. She has retained two independent arborists' reports recommending that the tree be removed. However, she has been stonewalled by her local council under the current legislation and refused permission to remove the tree, despite the arborists' reports.

Another constituent from Kensington Gardens who has young children told me that she is afraid to let them play in her yard due to a large river gum that continually drops branches in her own private property. She has replaced two fences that were damaged by the tree in recent times. However, apparently this type of gum tree naturally drops its branches from time to time, and it is considered a healthy tree. She has obtained the signatures of all of her neighbours calling for the removal of the tree but, again, her local council has refused her permission to do so.

To the government's credit, I think that it brought legislation to this place some time ago and admitted that the current system regarding the removal of large trees is somewhat broken and requires repair. However, unfortunately, the bill was allowed to lapse at the end of the last session. My questions to the minister are:

1. Why did the government allow this important bill to lapse and why has it not reinstated it at this point?

2. Does the government still stand behind the legislation and, if so, will it reintroduce the legislation? If it does, it will enjoy the support of Family First.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:06): Of course the government is not against this legislation. The reason why we were unable to proceed, if my

memory serves me correctly, was that on at least one occasion the business of the government was taken out of its hands. We moved to bring on the debate, but I did not have the numbers. However, it was quite clear that members of the opposition and a majority of other members were going to support it. It sat here on the *Notice Paper,* with the government trying to debate it for many weeks. The fact is that members of the opposition refused to deal with it. I told them at the time that they would regret it and, of course, that is exactly what has happened.

Does the significant trees legislation need to be changed? I believe that it does. However, let me say that that particular change to the Development Act was introduced by the Hon. Diana Laidlaw in this place in the late 1990s and that legislation was supported by the then Labor opposition. I believe that that legislation as it was introduced essentially dealt with the main problems that we were then facing with respect to significant trees.

The legislation was aimed at the older river red gum trees, in particular, in the eastern suburbs, in an attempt to protect them. Part of that legislation stated that, to be declared significant, a tree not only had to be of a certain size (that is, two metres in diameter a metre above the ground) but it also had to meet a number of other conditions, one of which was to contribute to the biodiversity of the area. I think that most of us when we debated that legislation at the time thought that it would specifically be aimed at protecting indigenous trees like those old river red gums, but it should not necessarily be used for introduced species.

What has happened with that legislation after it was introduced in the late 1990s is that a number of councils have made their own interpretation of it. Incidentally, whenever these issues go to the Environment, Resources and Development Court, I think the court's interpretation has been the correct one and it has reflected the original will of this parliament. However, I suspect that it would be the case with a number of councils (and I think this came out in the cases that the Hon. Dennis Hood mentioned) that if they ever went to the ERD Court the court would take the position that this parliament originally intended with the legislation that was introduced in the late 1990s.

Unfortunately, what has happened is that many councils have interpreted this legislation in ways that I do not believe was the original intention, and that was one of the reasons why I sought to amend it. However, I did make the comment during the debate (and I repeat it now) that, in relation to trees, it is very difficult to get legislation that will fit every situation. Clearly, there are rapidly growing trees that reach a large size very quickly, and there are trees that are very slow growing and some of them never reach the size that would make them significant trees even though they may have significance in other respects. In order to try to deal with that, one needs to complicate the legislation and make it more complex to try to deal with all the issues involved.

As well as significant trees, the Hon. Mr Wade asked about the Local Government Act which deals with trees that are not significant. As he correctly pointed out, there are many issues in relation to that matter, as well. Even if one can get the agreement of a council that a tree might be removed, that is different from compelling a neighbour to remove a tree that may be creating difficulties for others. That is something the legislation I introduced was not attempting to deal with because that is an extremely complicated issue to deal with.

In relation to significant trees, if it is the will of this parliament to proceed I would be happy to try to help improve the law. Given that one will never get perfect legislation to deal with trees, certainly we can attempt to clarify it. The legislation I introduced tried to deal with the range of issues that we might have. Other approaches are taken in other parts of the world. Obviously, the age of a tree could easily be a factor but, if one tries to introduce that into legislation, it is an extremely complicated thing to do.

Generally, I believe there is a difference in principle, and it goes back to the original legislation moved in this parliament in the late 1990s. Trees such as some of the river red gums in the eastern suburbs that have been there for 100 years or more would need a different degree of protection than a rapidly growing tree planted in one's own yard that 20 years later was starting to crack the house. Clearly, the law needs to deal with those two types of trees differently, but it is not easy to frame the legislation. If it is now the wish of this parliament to support that legislation, I am happy to bring it back to the parliament.

SIGNIFICANT TREES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:12): I have a supplementary question. Could the minister provide details of dates when members of the opposition or I said that we refused to deal with the legislation?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:12): I moved it and the business was taken out of my hands on one occasion.

Members interjecting:

The PRESIDENT: Order!

PROJECT COORDINATION BOARD

The Hon. R.I. LUCAS (15:12): I thought the Hon. Mr Holloway was going to answer the question. Maybe he does not have an answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the minister representing the Minister for Infrastructure a question about the Project Coordination Board.

Leave granted.

The Hon. R.I. LUCAS: On Monday 16 July 2007—almost two years ago—cabinet approved the establishment of a board, under the Economic Development Act, which is known as the Project Coordination Board. Cabinet and others were told that the board would have broad powers under the act to step in and adopt the approval powers of other agencies in relation to projects for the expansion or development of an industry. Cabinet also approved that the board would report to minister Conlon (the Minister for Transport, Energy and Infrastructure), and cabinet agreed that Mr Jim Hallion, Chief Executive of DTEI, would chair the Project Coordination Board.

There have been a number of statements on it. In one document Mr Hallion indicated that the board would be subject to annual review of its performance. The document states:

> Jim Hallion said the board is off to a good start: With the range and pace of development expected in South Australia over the coming decade, the state can't afford to see proposals bogged down in lengthy approval processes. The board will play a vital role in shifting barriers and unblocking deadlocks to get developments started and keep them moving to completion.

My questions are:

1. In the two years since the establishment of the Project Coordination Board, what work has the board accomplished and, in particular, what projects have been coordinated by the Project Coordination Board in the way that the original cabinet submission outlined?

2. What have been the total costs of the establishment and the ongoing operation of the board, and are there any staffing costs in relation to the board?

3. Was the annual review undertaken after the first year of operation of the Project Coordination Board and, if so, who conducted the annual review of its activities and what were the results of that review? If that review was not conducted as it was promised, why wasn't the annual review conducted of the activities of the Project Coordination Board?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:15): I thank the Hon. Mr Lucas for his question. I will refer it to the Minister for Infrastructure and bring back a response.

TRADE MEASUREMENT INSPECTIONS

The Hon. B.V. FINNIGAN (15:16): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about trade measurement inspections.

Leave granted.

The Hon. B.V. FINNIGAN: The competitive nature of traders has ensured that from earliest times a system existed to deliver correct measurement to consumers and traders alike. Consumers expect assurances that they are getting what they pay for. Will the minister advise the council what is being done to ensure compliance with weights and measures?

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) (15:16): I thank the

honourable member for his most important question. Consumers in Whyalla and Port Lincoln can rest assured that they will be getting what they pay for, as consumer authorities will be checking scales and other weighing equipment this week. This compliance clampdown by trade measurement inspectors from the Office for Consumer and Business Affairs is targeting Eyre Peninsula to ensure that retailers are complying with weights and measure laws.

Since 1843, laws have been in place dealing with weights and measures aimed at protecting the interests of consumers and traders in South Australia. Currently, the Trade Measurement Act 1993, and associated regulations, applies to all measurements whether using shop scales, petrol pumps or other equipment made for any trading purposes such as determining a sale price or calculating a freight charge.

This type of spot targeting is about reminding traders of their responsibilities and instilling confidence for regional consumers. Eyre Peninsula residents can be assured that it does not matter where you live: when you buy something by weight it should be accurate. The initiative is part of OCBA's ongoing monitoring program which also aims to raise traders' awareness about the detriment inaccurate weighing equipment can cause to both the consumer and the trader.

Accuracy is important when buying high value goods such as meat and fish where a small error could mean a big difference in price, and it is not always in the trader's favour. OCBA inspectors will be conducting random audits of retailers in the area selling goods by weight or measure. Whether the trader is a roadside stall holder or a supermarket, the scales they use need to be the right type, accurate and correctly used.

Regulations require scales to be within a very tight range of accuracy to ensure that consumers are getting what they pay for. Scales measuring outside of this range are deemed illegal for trade and must be rectified by a licensed repairer and certified before reuse. Trade measurement officers are directly responsible for monitoring and enforcing this legislation and other closely related legislation as part of their day-to-day activities.

Consumers benefit from receiving the goods they have ordered and paid for. Traders benefit by avoiding unwanted loss of product. This system provides confidence to all South Australians in the goods they are selling or receiving and in their being delivered consistently and reliably in the marketplace.

Traders found using defective scales on follow-up checks can be subject to penalties of up to $20,000 under the Trade Measurement Act, and consumers can report any concerns to OCBA.

ADELAIDE SHIP CONSTRUCTION INTERNATIONAL

The Hon. J.A. DARLEY (15:20): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Minister for Economic Development, a question regarding land leased by Adelaide Ship Construction International at Port Adelaide.

Leave granted.

The Hon. J.A. DARLEY: Adelaide Ship Construction International leases land from Defence SA at Moorcroft Road, Port Adelaide, directly opposite the Torrens Island power station, from which it has operated a ship-building and slipway facility for the past 28 years. ASCI is the largest shipyard of its kind in South Australia, specialising in the construction, modification and repair of steel and aluminium vessels of up to 1,200 tonnes. The area is approximately 30,000 square metres.

Defence SA recently advised ASCI that its rental, based on the unimproved value of the land, would be increased from $50,000 per annum to $152,000 per annum from 1 February 2007 for the ensuing five years. This was later revised down to $108,000 per annum. The ASCI lease clearly indicates that the rental is to be determined on the basis of unimproved land value.

Coincidentally, the property immediately adjacent to ASCI, which comprises 8,000 square metres of filled land, was rented to the South Australian Research and Development Institute (SARDI) for $26,400 per annum, or $3.30 per square metre per annum. This rental was agreed to by both SARDI and Defence SA five months before the ASCI rent review.

ASCI has spent in excess of $200 per square metre on filling the land over the years. One opinion of the value of filling the land is conservatively estimated at $30 per square metre. The rental equivalent of the value of that fill is considered to be $1.80 per square metre. The rental

value of the SARDI-filled land was determined at $3.30 per square metre. My questions to the minister are:

1. Given that the initial rental demand of $152,000 per annum was revised down significantly, was this initial demand a gross error on the part of Defence SA?

2. Is the latest rent demand of $108,000 now considered to be correct, or is there still doubt about its accuracy?

3. Does the minister agree that a reasonable rental of the ASCI site would be $3.30 per square metre based on the filled SARDI site less $1.80 per square metre, resulting in $1.50 per square metre, or, even less, having regard to the fact that the ASCI property is about 3½ times the size of the SARDI property?

4. Is Defence SA attempting to profiteer from ASCI knowing that it would be difficult for it to relocate to other suitable premises?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:22): My colleague, the Minister for Agriculture, Food and Fisheries, who is handling this matter, is negotiating with Adelaide Ship Construction International. The government wants to reach a fair deal. Obviously, we are sympathetic to the situation that Adelaide Ship Construction International is in.

At the same time, Defence SA is a government body, and I am sure the honourable member would be the first to criticise the government if we did not get a reasonable return on state land. It is the job of those agencies to get a fair value. In assessing fair value for land of this nature, given its history and given that a fairly unique activity is being undertaken on the land, it has been the result of some negotiation. My understanding is that the minister is negotiating, and I hope he can reach a suitable outcome.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: You are pressured by whom? At the same time, obviously—

Members interjecting:

The Hon. P. HOLLOWAY: The honourable members opposite seems to be saying that the minister should conduct this in the media, that government agencies should decide rent based on how many column inches or how many minutes of airplay the minister has. The government, through Defence SA, has been trying to negotiate a reasonable outcome. My colleague, I am sure, will achieve a reachable outcome.

The honourable member who asked the question referred to what it was like 30 years ago. The reality is that absolute waterfront land today has a different value than it did 30 years ago. Given that the honourable member is a former valuer-general, he would admit that it is not a simple matter of coming to a value. My understanding is that the rent for this particular place has not been adjusted for seven years. Government agencies have an obligation to get a fair rent. If they do not, I am sure the Auditor-General and, indeed, the opposition would be the first to criticise us for not getting an adequate return.

As I have said, there is some complexity in this case, given the background and the fact that it is a unique site, and it obviously needs to be looked at. I am sure my colleague will do just that and, hopefully, come up with a reasonable and fair outcome for both parties.

ADELAIDE SHIP CONSTRUCTION INTERNATIONAL

The Hon. R.L. BROKENSHIRE (15:26): I have a supplementary question. In view of the minister's answer in relation to the high value of the waterfront land, can the minister confirm that the government does not have an alternative use for that land in its supporting this massive rise in rent, and does the government still have a focus on medium-size ship building, or is it all about warship building?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:26): As I have said, it is my understanding that the rent has not been increased in seven years. This is leased land, but the price of all land has probably more than doubled in the past seven years, certainly in the case of residential property.

Clearly, if one was doubling the rent because property values have doubled, that may not be an unreasonable thing to do. Nonetheless, as I said in my answer, there are special factors in relation to this. The government is aware of those special factors, and I am sure my colleague will be seeking to ensure a reasonable outcome. In relation to the proposition put by the honourable member, the government would obviously want Adelaide Ship Construction to continue. I have been out there myself, and I have seen prawn vessels being launched there. Obviously, it is an important industry in this state but, equally, if it is on significant—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Are they being screwed? That is the question: what is a fair rent? Defence SA has undertaken negotiations, and I am sure that my colleague will be able to reach a reasonable outcome.

CRIMINAL TRIALS

The Hon. R.D. LAWSON (15:27): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about delays in criminal trials.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Glenys Heyward was found murdered on or about 21 July 2007. Later that year, in December, her erstwhile domestic partner, Neil Heyward, was charged with her murder, along with two of his sons and a further co-accused. Mr Heyward had been taken into custody in December, after attempting suicide. In March of this year, one of the co-accused was relieved of all charges, but two of the accused have been in custody since their arrest in December 2007.

It was reported on 6 June this year that Neil Heyward had hanged himself in his cell in the Port Augusta Prison. It was also revealed that he was not expected to stand trial until next year, meaning that Mr Heyward would have been in custody for all of 2008 and 2009, still not having had his case determined or resolved. It is generally acknowledged that delays in criminal trials affect very seriously the life of witnesses who might have to give evidence, as well as police and victims or, in the case of homicide, the families of victims. No doubt there will be a coronial inquest into the death of Mr Heyward, and the role played or not played by the correctional services department will be there examined, and I will not touch upon it. My questions are:

1. Does the minister agree that a delay of two years between arrest and trial is unsatisfactory?

2. What is the cost of the long delay in the trial of this particular offence?

3. What action will the government take to reduce the delays in criminal trials, given the fact that it is acknowledged in the Supreme Court judges' latest annual report that 7 per cent of cases are not dealt with within 24 months of notification?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:30): I will refer the honourable member's questions to the Attorney and bring back a reply.

MINERAL EXPLORATION

The Hon. I.K. HUNTER (15:30): Will the Minister for Mineral Resources Development provide an update on the latest mineral exploration data for the March quarter?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:30): The latest Australian Bureau of Statistics data shows that investment in mineral exploration in the first three months of this year slowed to $36 million from $68 million in the previous quarter. While disappointing, the sharp slowdown in spending on minerals exploration was inevitable, given the global financial crisis and last year's decline in world commodity prices.

Of the $36 million of mineral exploration expenditure in the March quarter, 28.6 per cent was spent on the search for new deposits, and the remaining 72.4 per cent was spent to prove up existing deposits. The latest quarterly results bring overall spending for the 12 months to March 2009 to $274.2 million, down from $317.5 million in the calendar year 2008. While that result is

below the most recent peak at $355 million in the 12 months to June 2008, it is still more than double the target of $100 million that the government has set in the South Australian Strategic Plan.

South Australia is not alone in feeling the brunt of the global financial crisis. All other states recorded significant falls in exploration spending throughout the first three months of this financial year. This is hardly surprising when you consider the fall in world commodity prices and the scarcity of sourcing capital, whether through traditional lenders or capital markets. Even taking the slowdown from last year's peak into account, South Australia is still performing exceedingly well, compared with the total exploration expenditure of about $40 million a year achieved nearly 7½ years ago when this government came into office.

Despite this predicted downturn, South Australia's mineral and energy sectors remain strong. We continue to have a very bright outlook in this state and, unlike other states, South Australia has not experienced any mine closures as a result of the global financial crisis. In fact, mining projects are continuing to proceed towards development and full operation. Only last month, Oz Minerals officially opened its $1.1 billion Prominent Hill copper and gold project near Coober Pedy. The government also approved the mining and rehabilitation program for Iluka Resources' exciting heavy mineral sands project at Jacinth and Ambrosia in the Eucla Basin near Ceduna.

Premier Mike Rann and I also recently attended a ceremony to mark the construction of Uranium One's Honeymoon project. We have also offered a mining lease to Centrex Metals to develop its iron ore prospects at Wilgerup near Lock on Eyre Peninsula. This government remains confident in the prospects for BHP Billiton's proposed expansion of the Olympic Dam mine with a comprehensive environmental impact statement currently on public consultation.

During the next 12 months we expect to approve a further four to five mines in South Australia, building on the 11 mines currently operating in this state. This is all at a time when many states have had to face the prospect of mine closures. In South Australia, many companies are prepared to look beyond the global economic slowdown to the next upswing and a worldwide recovery.

Having said that, a slowdown in exploration spending in South Australia was inevitable in the face of a sharp fall in world commodity prices. Junior explorers have been forced to put exploration programs on hold due to the challenging financial environment and the difficulty in sourcing capital for their projects.

The economic fundamentals of the mining industry in this country remain positive. As the demand for resources from Asia (in particular, China) recovers we would expect renewed interest in mineral exploration.

The 2009-10 state budget handed down last week continues to support mineral exploration expenditure in South Australia. The government's plan for accelerating exploration (PACE) will enter its sixth year in 2010. This seven-year program has been extremely successful in attracting mineral exploration expenditure to this state and will take on even more importance as we traverse this challenging financial period. PACE will continue to be a key driver for sustaining economic development throughout the minerals and energy sectors.

The government also continues to support the industry with additional funding for Primary Industries and Resources SA to assist in assessing the pipeline of world-class projects still on the books. South Australia also remains a trusted destination for exploration spending. This state still ranks in the top 10 in terms of mineral potential in the most recent survey produced by the influential Fraser Institute.

I again stress that the outlook for the South Australian resources sector remains positive as the known resources in this state are long life and very competitive. The diversity of our resources base, the multitude of world-class ore bodies and South Australia's global reputation as a safe and sure destination for investment in mining all bode well for the future of this important job creating sector of our economy.

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) BILL

Adjourned debate on second reading.

(Continued from 2 April 2009. Page 1893.)

The Hon. S.G. WADE (15:37): On behalf of opposition members involved, I thank the minister and the departmental officers for briefings on the bill. The Outback is often described as

the essence of Australia. In spite of the fact that 90 per cent of Australia's population lives on the coastal fringe and well away from the Outback, the region has a central place in Australian identity. In 1906, Dorothea Mackeller evoked the Outback when she wrote, in part:

> I love a sunburnt country,
>
> A land of sweeping plains,
>
> Of ragged mountain ranges,
>
> Of droughts and flooding rains.

The people of the Outback are not known for sentimentalism. They know they have chosen a home where life will have challenges. The harshness of the environment, the sparseness of the population and the vastness of the region means that many of the services people in the city take for granted are not available in the Outback.

In consulting on this bill I encountered recurring themes. On the one hand, residents know they will not get the same level of services available in urban centres, but they do expect basic essential services and they know that education and health in particular are basic essential services. On the other hand, they do not think they should have to pay for services they do not get.

In this bill the government is proposing to reform the Outback Areas Community Development Trust to provide a high level of services and to increase the resources available for services in the Outback. Before I address what is proposed, I will outline what is proposed to be replaced. The Outback Areas Community Development Trust is a statutory authority established under the Outback Areas Community Development Trust Act 1978, and it is under the control and direction of the Minister for State/Local Government Relations. The trust has jurisdiction in those parts of South Australia which are not covered by local government—that is, 65 per cent of the state in the Far North—and which are home to some 5,000 people living in 33 communities and scattered across pastoral leases.

A primary purpose in setting up the trust in 1978 was to provide a mechanism through which commonwealth/local government funding could be attracted to the Outback areas of the state. The trust makes grants and loans to local community organisations, including for infrastructure. Local government in its traditional form has been seen as impractical in Outback areas because of the diverse nature of localities, the small populations and practical difficulties in holding elections and enforcing the imposition of rates.

The trust has five members and two deputy members, all of whom are appointed by the Governor. There are 36 community organisations, also known as progress associations, at 33 different locations. With the exception of the Woomera board, these organisations are incorporated under the Associations Incorporation Act 1985 and, subject to the act and the rules of the individual organisation, community associations deal with personal and real property.

Membership of and election to each organisation's governing body vary according to its constitution. All office bearers are voluntary. The day-to-day operations and decision making of individual community organisations are independent from those of the trust. Each organisation determines its local needs and project priorities and, where human resources allow, maintains facilities and services and undertakes town clean-up and management roles.

Through the use of community affairs, resourcing and management agreements, the trust works with each community to assist with funding for operations, development and infrastructure projects. The Outback continues to grow with exciting mineral and tourism developments providing both exciting opportunities and significant challenges. There is no doubt that some Outback communities are struggling under these pressures. The government also asserts that the trust does not have sufficient powers to deal effectively with many of the problems experienced by the communities or to raise sufficient revenues to support those efforts.

On behalf of the opposition, I indicate that we believe that something needs to be done—but not anything, and not this bill in its current form. Following general consultation in 2007, the government released a draft bill in February, but the government did not seek responses to the draft bill. The letter from the minister, dated 6 February 2009, with a salutation, 'Dear Resident', presented a fait accompli. The letter purported to release the bill for information; it did not even seek input. The bill was tabled in this council in April 2009. I note that the Local Government Association issued a circular (7.12), entitled 'New authority to replace the Outback Areas Community Development Trust', which in part states:

The minister is not seeking submissions on the bill, but if there are matters arising from the new proposals which the LGA should draw to the minister's attention, please provide comment, etc., etc.

The opposition believes in consultation. I contacted a number of individuals and organisations and discussed the issues at length with local Liberal Party parliamentary members and candidates Graham Gunn, Dan van Holst Pellekaan and Chad Oldfield. The question this council must ask is: was the consultation on this bill adequate? In answer to that question, I would like to provide an overview of some of the responses I received to the consultation efforts that I made. For example, a communication from Oodnadatta states:

The new legislation has not been described to [our progress association] despite the OACDT visit, so it's a bit hard to comment. It would be easy to say that anything we got would have to be better than the current arrangement, which is riddled with intrigues, lazy and sloppy services and unwarranted interference, without attention to our real challenges, coupled with an insistence that we are required to volunteer in order to achieve living standards 50 per cent of city dwellers. Our [association] was not referred to in forming new legislation despite our very long history.

Another separate communication states:

...in all my years...I have never before seen such a compelling need to voice my objections to what is quite simply a blatantly dictatorial act. In spite of what minister Gago and the existing few people currently in control of the Outback Areas Community Development Trust are claiming, there has been no consultation with the community and they are not working for their benefit or wishes—at least not this community. Quite the contrary, we have been lied to, deceived and deliberately kept in the dark about this whole affair.

The very first we heard about it was by sheer accident several weeks ago. I happened to be searching on the internet for something entirely unrelated and came across a comment that led me to look into this matter and subsequently came across the proposed legislation. I immediately printed off multiple copies and passed them around to every resident of this town for their views, and the result was a resounding 100 per cent objection to the proposed bill and the people behind it.

It just so happened that the very next week two officers of the trust called in...and at the meeting were quite obviously caught totally unawares that we (the residents) had finally become aware of the proposed legislation. When asked specific questions re the same, they were evasive, noncommittal and outright untruthful with their replies. As you would be aware, one of the requirements of a council under the Local Government Act is to be open and frank. Obviously somebody has forgotten to inform the proponents of this proposed legislation of that requirement. When we voiced our objections we were virtually told that 'it' (the passing of the bill) was going to happen regardless of what we wanted, so get over it.

There is not one single thing that will benefit this town, or many other towns for that matter, by the passing of this bill. Rather, we will suffer even more financial hardships than we are already undergoing by living in a remote area.

I put it to the council that there has not been adequate consultation with respect to this bill. How can we put in place a form of local government for the Outback areas that will be fundamental to the future prospects of our Outback communities without adequately engaging those communities? How can the government credibly say that it has consulted on this bill when the draft bill was not even part of that consultation process?

I turn now to outline the proposed new authority. The bill proposes to replace the trust with an Outback communities authority with seven members appointed by the Governor, at least three of whom must be from different Outback communities. The role of the authority, as I understand it, would be to undertake increased strategic and planning roles involving community consultation. Through that role, the authority would develop five year strategic plans for the region, annual business plans and budgets, including region wide revenue raising through an asset sustaining levy and community resourcing and management agreements (a type of service level agreement with community organisations), all with community consultation.

The authority would also exercise power under elements of the Local Government Act. The authority would provide essential services such as waste management and community projects, funded through a mix of government grants and community or direct beneficiary contributions. The authority would maintain developments and standards and controls, such as the regulation and use of caravans or vehicles for habitation, and also maintain community amenity standards, such as local noise, unauthorised dumping, roaming animals, unsafe buildings and littered allotments.

The bill enables the authority to levy two types of charges, and both need to be approved by the minister. First, the bill envisages an asset sustainability levy—a fixed charge across the Outback communities authority area—to fund public service and facilities in Outback communities, such as airstrips, infrastructure for the UHF repeater network and toilets. We are advised that the levy will be based on an independent audit of the costs of maintaining those assets across Outback communities.

Secondly, the authority will be authorised to levy a local community contribution: a fixed charge on a particular community for services and projects for the benefit of that community, as specified in the community affairs resourcing and management agreement agreed with that community.

I indicate that the opposition has concerns about this bill and will be seeking to amend it. First, the opposition is of the view that, although we agree with the government that Outback areas are experiencing significant challenges, we consider that some of the changes proposed are just as likely to exacerbate the problem than to alleviate them.

The revenue raising element of the bill, not surprisingly, is proving to be most controversial. The message I have received repeatedly from people in the Outback is that, while they are frustrated about the lack of services and infrastructure in the Outback, they are angry about the government proposal. The government will expect local residents to do the hard lifting to both develop and maintain infrastructure. Their view is that people in other parts of the state are only being asked to fund the maintenance of infrastructure while they are being asked to raise funds to address a long-term backlog and meet current and future needs and provide for ongoing maintenance. To illustrate this point, I refer to a letter written by a mother living in the Outback, as follows:

> Hi Stephen,
>
> I have read the bill and am less than impressed...I am very concerned that Outback communities are going to be funded on a population basis, which is totally unacceptable for Outback regions. Outback communities have been slowly dying for a long time and this bill seems to me to be aiding that process. Outback people should be encouraged and empowered to bring their communities together and work at making them a better place for our children, not have it governed by an authority that will have no real understanding of the community. How could they possibly have an understanding of 30 communities? Outback communities differ so much, we have tourist rich communities and we have communities that no-one would even stop at. Shouldn't it be the communities that have no facilities be the ones receiving funding for facilities? Why is it that I cannot take my children into our community town and play tennis with them? In a world that is combating obesity and promoting healthy living why are so many children and adults deprived of such opportunities? Simply because of a smaller population? Good luck to anyone who wishes to tell a mother her children are not as important as one who lives in a larger centre.

In order to illustrate the stresses on communities, I would like to highlight the situation in Andamooka. Andamooka is a name which derives from the Aboriginal word for waterhole. It was discovered by John McDouall Stuart in June 1858. Opal was first discovered in the area by 1926 by two dam sinkers, Shepherd and Brooks. The population grew strongly in the 1940s and 1950s, and the town was gazetted on 16 December 1976. No thanks to this government, in the 1980s Roxby Downs was established some 35 kilometres from Andamooka.

Andamooka now has a population of 800 to 900 people, about half of whom work at BHP Billiton's Olympic Dam mine near Roxby Downs, particularly as contractors. The local progress association is the Andamooka Progress and Opal Miners Association (commonly referred to as APOMA). I visited Andamooka and met with President Peter Allen to discuss this bill and the challenges faced by his community. I thank Peter for his hospitality and time but, more importantly, I pay tribute to the leadership, energy and commitment that Peter is showing as President of APOMA.

Like a number of communities, Andamooka is under stress in terms of municipal services and amenities. In an article in a recent edition of the *Adelaide Review*, Bill Nicholas portrays the town as a law-free zone. The article states:

> Other residents' issues at Andamooka include rubbish (you can't charge for rubbish dumping because they'll just dump it in the nearest mine shaft.), water is reticulated on the back of a truck and TV reception is lousy. The local pool, donated by a rich opal miner, is being strangled by red tape. It has to have super-qualified resuscitation staff on hand for a few kids to have a dip, the cost of which is becoming prohibitive. Roads don't have official names—they're all ironically called Government Road—and there's always lively debate if the APOMA chief wants to spend any money on grading or preventive road maintenance.

APOMA maintains a hall and state-listed heritage cottages, which serve as a local tourist attraction. The association runs a camping ground and uses volunteers to run a rubbish tip. There is a need for more municipal services, such as footpaths and street lights, particularly in the central part of town.

I understand that the local volunteers running the town give in excess of 60 hours per week to serve the town. They love the town, but they know that that level of commitment is not sustainable. They know that they need to get services on to a sustainable basis in order to ensure the town's prosperity going forward. The town does have some paid support and the government

has promised to employ a community manager, but my discussions with local people suggest that there may be a need for up to four full-time equivalent staff at Andamooka, not one.

I will interpose on my discussion on the Andamooka situation by referring to input from the Iron Knob Progress Association. Its correspondence focuses on the issue of municipal services, and it is one of the associations that welcomed the bill. The letter states:

> For many years we have suffered from not having the teeth to deal with such issues as community health and safety, illegal dumping and deliberately littered allotments. With reference to the last, we have a resident who located here from [a regional town] after being advised that he had to get rid of his old wrecks of cars which were considered a health hazard. He brought the lot to Iron Knob and we have been unable to get assistance to stop him. He is currently filling [a] block…with broken down wrecks and car bodies. We do know that there are those who will raise some opposition to the bill because they do not want to make contributions or because they may have some personal agenda. This bill should not be blocked for reasons of self-interest. We fully support the bill and the proposed levies and urge the Liberals to get behind it and bring all communities within the unincorporated areas into the real world.

The letter is signed by Bryan Lock on behalf of the Iron Knob Progress Association. Clearly, Andamooka, Iron Knob and other communities are facing real challenges in terms of municipal-type services and powers.

Returning to Andamooka, Andamooka is typical of the Outback communities. It lacks essential services and infrastructure. Water is carted; waste water is managed on properties. Considering the town is built on a hill, there is real concern that, as the town expands, waste water will not be able to be contained. No roads within the town are bituminised; electricity is provided by a private provider.

My understanding is that the portfolio of infrastructure projects needing investment in Andamooka alone would cost well over $30 million. I was very disturbed to hear that the local efforts to quantify infrastructure needs had been discouraged by the government.

Roxby Downs and the Olympic Dam mine are some 35 kilometres from Andamooka. The prospect of an expansion of Olympic Dam is both an opportunity and a risk for Andamooka. Andamooka may well see a 50 per cent to 100 per cent increase in population as a result of an expansion of Olympic Dam.

The current stresses in municipal services and infrastructure are likely to become acute. In this context I think it is worth revisiting the 1982 response to the initial EIS which stated:

> Andamooka residents sought a general upgrading of services (such as power and water supplies, road and airstrip), the retention of existing school and, in the event of the town becoming an attraction to Olympic Dam residents, the appointment of an additional police officer. However, these requests involve actions by government authorities rather than by joint venturers.

Seventeen years later, the words could have been written yesterday.

As we look forward to the prospect of a significant expansion of the Olympic Dam mine, I think it is very important that we take into account the impact on the Andamooka community of any expansion. One of the options would be for the Andamooka community to become part of the Roxby Downs local government district. However, my consultation has made it clear that the Andamooka community is not attracted to that option. The communities are substantially different in their history, population and character.

However, there may well be scope for shared local services. Even though the minister did not seek input from the Local Government Association, it did offer advice and, in this respect, it is relevant to this issue of communities located near local government districts. The Local Government Association said:

> In light of the shared interests that prevail between adjacent Councils and the Authority, the LGA would like to propose that the Bill include a provision aimed at encouraging consultation and partnerships between the Authority and Local Government, particularly in relation to the potential for shared services. For example, adjacent Councils may be in a position to provide some services, such as development controls, by-law/animal control enforcement and infrastructure management, among other things. These types of arrangements, based on a fee for service, could effectively lower costs for the Authority.

Andamooka is a community facing great challenges. It is the opposition's view that for Andamooka and other communities this bill in its current form raises expectations and offers hope which is far from secure. It will offer nowhere near the level of resources needed to develop municipal services or deal with the infrastructure backlog.

Further, the Liberal Party is concerned that the governance model put forward by this bill is flawed. The bill changes the trust into a pseudo local government with very significant powers. The authority's revenue raising capacity is very broad. The form and quantum of the levies is ill-defined. On the other hand, the authority facing infrastructure challenges and a minister facing funding pressures would be unconstrained in putting unsustainable fees on the Outback communities. I fear that the government is underestimating the tendency for Outback residents to value independence highly and freedom from government control. I received a letter from a resident of the Manna Hill community which states:

> There are a total of 9 people that live in the township of Manna Hill. 6 of those 9 people are either aged pensioners or infirmed. To sum it up, in literally ½ a century of living, working and helping people in the remote areas of this country, I, along with most other true outback residents have managed quite successfully to survive without the guidance and self propagating levys, rates, taxes of the proposed Legislation. It may even be said that we have survived because we did not have their guidance and taxes. This will not help outback residents, it will DESTROY them.

A defining issue of the American Revolution is that people should not be subject to taxation without representation. By analogy, the people of the Outback should not be subject to community levies or regional levies without participating in the decision-making. The government could argue that there are lots of taxes which are lost in general revenue and not subject to democratic control. However, I would argue that the matters covered in this bill are matters which, for other South Australians, are for local government and that, for those South Australians, they are subject to democratic local government elections. By analogy, these levies should be subject to democratic mechanisms whenever possible.

The minister may argue that as a minister in a democratically elected government she fulfils that democratic role. However, she is not accountable to the people of the Outback and the people of the Outback alone. South Australians in local government areas have councils focused on their needs and they are accountable to them and to them alone. South Australia's Outback communities are entitled to a similar right to the best of our ability.

Given the unique circumstances of the Outback, the democratic mechanisms for the authority are likely to be unique. The opposition will propose amendments that require that only former or current residents of the Outback be voting members of the authority. Members of the authority will be appointed by the minister but on nomination by individuals or associations of the regions.

Nomination practices may well develop over time which facilitate distinctively Outback responses to delivering democratic outcomes. For example, it may well be that progress associations form clusters for the purpose of nominating an authority member, and, if that were to occur, you would expect the minister's appointment process to regard such nominations with due weight. It is vital that the people of the Outback control their own local government and that the authority should have a clear role to advocate for the Outback. It cannot fulfil that role if it is controlled by the minister.

The government is not offering any assurance that grant funding will be maintained, whether state or federal. The challenge to Outback communities is that they need to know that any future arrangements will not give either the commonwealth or the state government the excuse to pull back one iota of grant funding in supporting the development of the region.

Another problem with the proposal is that there is no commitment to increase staff to meet the increased planning tasks and enforcement roles. The trust team is small, and it is based in Port Augusta. I have no doubt that it will need to be supplemented to deliver the expansion of functions envisaged in this bill. For example, enforcement of a single breach of community amenity, such as the untidy block at Iron Knob that I referred to earlier, may require a series of visits to establish a breach of the law, to serve a notice and to enforce the law. When the team of staff is small and operates over 600,000 square kilometres, they will need supplementation. If they were not understaffed under the proposal, they must be overstaffed currently.

In concluding my second reading contribution, I will put a number of questions to the minister, which I would appreciate the minister answering in the summing up of the second reading debate or, if it is more convenient for her, in the committee stage. The questions are:

1. Can the minister outline the stages of the consultation leading to this bill and the information that was available at each stage? In particular, when were communities and residents given the opportunity to comment on the prospect of an asset sustainability levy and a community contribution? Further, to whom was the minister's letter of 6 February sent?

2. Will the government give a commitment to at least maintain the prevailing levels of state government capital and recurrent funding to the Outback region?

3. Will the government increase the staffing of the authority to ensure that it has the staff to undertake the increased planning and enforcement roles?

4. Will the government undertake an assessment of the Andamooka community infrastructure needs, particularly in the context of the prospect of the expansion of the Olympic Dam mine?

5. Considering that the bill moves the trust into more of a statutory authority status, what discussions has the government had with the commonwealth as to whether the changes to the trust will have any impact on the commonwealth's relationship with the trust or authority, in particular the capacity of the authority to be regarded as a local government-type body for the purposes of receiving local government grants and for the participation of authority members or staff to be involved in commonwealth consultation processes?

6. Under the bill, does the minister have the power to override a community proposal if the minister considers that the proposal is not in the long-term interests of the community?

In summary, I indicate to the council that the opposition has taken the view that this bill cannot be supported as it stands. The proposal is not in the best interests of South Australians living in the Outback and is not an appropriate alternative model of local government for the state. We will be moving a series of amendments, which we believe highlight the weaknesses of the bill in this regard.

The Hon. R.L. BROKENSHIRE (16:06): First, I advise that I am grateful to the minister's office for providing me with some preliminary help to assist Family First to understand the context under which this bill will operate. I advise the council that Family First supports the second reading of this bill. We support the change of name from 'Outback Areas' to 'Outback Communities' in recognition that there are communities out there. The government has advised us that it recognises this fact and that the focus on the communities has been paramount in our giving support.

As the minister has acknowledged in her correspondence with my office, 33 communities are represented by 36 progress associations or similar community volunteer groups. Although the combined population of the communities is small (maybe fewer than 10,000 in total) and has a significant indigenous component, these communities are no less important or significant than other towns or suburbs, and they deserve basic and essential services.

Under this bill, the Outback Areas Community Development Trust will be replaced by an authority. I put on the record that, whilst we support the intent of the bill, as for trust, one sometimes wonders who you can trust—and I am reminded of George in the RAA ads. The Housing Trust is no longer a trust and, arguably, cannot be trusted to live up to the original Playford principle of a trust for the public good.

There also might be a good reason to 'break with past arrangements', as the minister said in her second reading explanation, but I hope the government does a better job of living within the spirit of why the trust was created rather than what has happened with the Housing SA name, its management intent and policy direction compared with when it was the Housing Trust.

I acknowledge the volunteers of the communities who have given so much. Family First is well aware that, if it were not for volunteers, South Australians would not be able to enjoy community life in the way we do. People are out there every day providing support to their neighbours, friends, communities and districts, and this is particularly the case in remote Outback communities, where they often do not have some of the infrastructure, facilities and services provided in the metropolitan areas of Adelaide. So, I place on record my acknowledgment of the importance of those volunteers and the great work they do.

I also acknowledge that the government, in introducing this bill, is trying to look after volunteers by relieving them of their administrative burden as they deliver increasingly important and complex essential services. We support the government in this, but we also say to the government that, whilst it is good to relieve volunteers of their administrative burden, it is equally as important that the government of the day listens to volunteers and uses them as a sounding board and delivers the services and requirements that volunteers raise with government agencies.

I will place on notice questions I have for the minister. I will put my questions on the *Hansard* record for the minister's staff to look at because Family First would like answers to the questions before we move to the committee stage.

First, on the question of road maintenance, we have been referred to the Department for Transport, Energy and Infrastructure (DTEI), but will the minister (via DTEI) outline for honourable members the road maintenance budget for the existing trust area? The minister explained that some community associations have responsibility for water delivery, whereas others rely on SA Water. Will the minister in a tabled answer outline for all the communities which case applies and where SA Water is providing water delivery since that service began; what funding the state government provides directly or via SA Water to those communities for water delivery; and what methods of water delivery are in place for those communities?

I do not apologise for those questions because water is a scarce and precious resource in our state, particularly in outback areas, and it is important that the parliament keeps a focus on sustainable water supply for the whole of the state, including those areas.

My next question is: what regional impact assessment has been done on this policy change? I believe there was a strong and passionate argument put by the government years ago that these assessments would occur, so I ask the minister to advise whether the Office of Regional Affairs has signed off on this policy.

With respect to technology, it is pleasing to see that the bill includes the capacity for the new authority to meet via telephone or internet linkup as a legitimate meeting of the authority. In this way, the tyranny of massive distances can be overcome using the internet, but I ask how clause 10(8) will work in that instance where a meeting is required to be a public meeting. Perhaps a website will have to be established with an open chat facility so that members of the public can attend. The implementation of that is something for the minister to think about.

Family First would like to know whether the remuneration of the chair and the committee members will change and what will be the reimbursement arrangements for committee members who have to travel to meetings. Lastly, I ask a question about rates. What rates are currently charged in the form of council rates or their equivalent and what are the proposed rates for the coming financial year?

With those questions having been put on notice to the minister, I indicate Family First's support for the second reading, and I look forward to the committee stage when we will receive some answers.

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

RIVER TORRENS LINEAR PARK (LINEAR PARKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April 2009. Page 2156.)

The Hon. R.L. BROKENSHIRE (16:13): My remarks on behalf of Family First will be brief, much briefer than some opposition members are from time to time. I support the second reading of this bill. Family First supports linear parks and is glad to see that the River Torrens Linear Park bill is a multi-partisan measure that governments of various persuasions as well as minor parties support.

I recall the former minister for the environment telling honourable members once that we might have a platypus in the Torrens one day. That is certainly a noble goal but sadly it is perhaps a long way off. However, it is good for us to have bold and exciting visions for public land and our urban waterways in South Australia.

This bill will enable the River Torrens model to be adapted to Gawler River, Little Para River, Dry Creek, Sturt River, Field River, Christies Creek, Onkaparinga River, Pedlar Creek and Port Willunga Creek. All those initiatives under this bill are commendable, but I want to say, particularly with respect to Field River, Christies Creek, Onkaparinga River, Pedlar Creek and Port Willunga Creek in the south, that there are some really exciting opportunities for families and communities to be involved in initiatives and environmental and recreational development and to get out and enjoy the magnificent environs in those areas.

It is one thing to put legislation in place, but you need capital funding to go with it, and I hope and trust that we will see funding being made available in future. As a comparison with these

estuary linear park opportunities I refer to the old railway line from Hallett Cove through to Willunga, where many years ago I had the opportunity of being involved in workshops on the development of a concept we now see enjoyed by families right through that region. There are people riding bikes and families walking their dogs along those public reserves, and it has made a huge difference to that area. So let us hope we can see further improvement there.

Members would be aware of Family First's bill to protect the Willunga Basin from urban sprawl, and this bill to some extent assists in achieving that goal by ensuring protection of the linear parks in the Onkaparinga River and Willunga Creek areas of the south. I am a little unclear from the minister's second reading contribution about the areas where the government believes public land might currently be at risk near linear parks, and I ask whether the minister could give particulars or examples of where we might see the Underdale situation playing out again. We have had ministers standing here previously demanding an evidence-based approach for initiatives, so I am looking for some clarification on the evidence base for this initiative. It sounds well meaning, but I believe that members are entitled to a little more information on the real aims of the legislation.

To illustrate where the government has not quite come up to its public statements in the past in relation to linear parks, members will recall what happened at Lochiel Park, at Campbelltown. Notwithstanding what happened ultimately with housing developments that were initially not to be there, from my recollection some significant old growth trees were lost and significant environmental promises broken. We now have something purporting to be an eco-village or environmentally sensitive development, but time will tell whether it really is achieving that aim or is simply a new housing development dressed up to look environmentally friendly so as to justify the development occurring.

Family First believes that local families and residents who had nurtured the bushland there were devastated when that development went ahead. Family First will be watching closely to ensure that linear parks are used as they are intended to be, namely, as publicly owned open space areas for recreation for families and local communities. We have to be careful and vigilant about protecting public land, especially our waterways and linear parks. Waterways are particularly important, and we believe it is worth mentioning that our linear parks are ideal places for increasing the area of wetlands, aquifer storage and recovery points from our stormwater, so that water can later be harvested for water security purposes.

The government should be looking to expand places where it can create wetlands, and Family First will have more to say on stormwater harvesting in the years to come. Mayor Felicity Lewis and the Marion council have done a lot with walking trails and linear parks. They have highlighted opportunities for stormwater harvesting that can complement the amenity of the locality, but at this stage money to help develop those projects is not forthcoming. As I said earlier, whilst we support the bill we hope that money will be made available in future to enhance these linear parks. With those few words, I indicate that Family First supports the second reading. I have put questions on notice about examples of the present menace posed to other linear park areas.

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

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 June 2009. Page 2432.)

The Hon. D.G.E. HOOD (16:20): I rise to support the bill. Family First is and always will be a strong proponent of any initiative that any government brings to the table to reduce our terrible road toll and ensure compliance with our road rules. I understand that the road toll is currently at 64 this year, after such a promisingly low road toll last year, and Family First will support any reasonable measures to further reduce that number in future. The question raised by the opposition in this place is whether the bill goes beyond what is reasonable in imposing red tape and extra costs on trucking businesses—costs beyond which some trucking companies potentially can afford, rather than what are true safety and compliance initiatives.

This bill makes several changes to the Road Traffic Act 1961, with the major initiative in the amendments being the introduction of the so-called intelligent access program. To briefly cover some of the less prominent aspects of the bill, clause 4 appears to remove the power in section 53A(2) of the act to vary or revoke the approval of traffic speed analyser devices. I would appreciate the minister explaining in committee why we are removing that power, which I assume is used from time to time.

Clause 5 allows unrestricted use of photographic detection devices to show evidence of both red light and speeding-related offences arising from the same incident. The current provision requires specific cameras to be specified by the government. The new provision seems to be appropriate, and Family First certainly supports that measure. I know that the offence of speeding through a red light camera can carry with it three demerit points for the speeding offence in addition to the three demerit points for the red light camera offence, and it is a hefty total of some six demerit points. It is a significant penalty for someone who could have been caught inadvertently (not that we encourage that). All of us on occasion have been caught by a millisecond or so going through when the orange light turns to red. I do not condone fast driving, and that should not be misinterpreted from what I am saying, but it is a hefty penalty.

In the general community there is a recognised difference between a driver intentionally driving fast and recklessly speeding through a light that has been red for some time and a driver who either speeds up marginally to catch an orange light and just misses out or feels that they do not have time to brake, which most of us would have experienced at one time or another.

The first instance, reckless speeding, definitely calls for six demerit points and possibly more, but it is debatable whether the second instance does. I think in that instance the person is not being reckless—perhaps a little unlucky, is a way of putting it. Clause 6 contains a very wide power for the government to make any regulations it sees fit regarding the management of speeding by drivers of heavy vehicles. We have concerns that this clause is very broad. I wonder whether the South Australian Road Transport Association (SARTA) is aware that this clause would give the government power to make regulations as it sees fit regarding any schemes 'for the management of speeding by drivers of heavy vehicles'—any schemes.

The term 'heavy vehicle', according to section 5 of the act, means any motor vehicle or trailer with a maximum load mass of greater than 4.5 tonnes. Potentially, many vehicles fall within the ambit of that definition. The government has named the National Transport Commission (Model Act on Heavy Speeding Compliance) Regulations 2007 as the regulations it intends to implement via this section, and, of course, we accept that. Nevertheless, the wording of clause 6 is very broad. The model regulations include a number of positive provisions as outlined by the minister, including the introduction of obligations on all parties in the transport chain to take positive steps to prevent breaches of speed limits, and indeed this is a positive initiative.

The chain parties identified in the legislation are the employer, the prime contractor, operator, scheduler, consignor, consignee and loading manager. Importantly, it will be illegal for companies to enter into contracts that actually result in speeding due to unreasonable schedules or deadlines. This is all very reasonable, indeed. Family First supports this code, which has been through a great deal of consultation with industry. We believe that it will work positively towards building a safe driving culture within our trucking industry.

Perhaps the most contentious aspect of this bill is the Intelligent Access Program, which is also dealt with in clause 6. The opposition in the other place supported the program, as I understand it, but in this place it has taken the position of opposing this program. That occurred after members opposite spoke with the Road Transport Association. We have also spoken with Steve Shearer from SARTA, who has expressed concern if the program is made mandatory. We have looked at the implementation of the scheme interstate, and the key word that seems to come up regarding this scheme in many other instances is 'voluntary'.

The Austroads report calls it a 'voluntary' system, Main Roads WA calls it 'voluntary', ADT Security (which installs the systems) also calls it 'voluntary' in its brochures, Queensland has it listed as a voluntary program, and so on. However, in South Australia it seems that we are envisaging a mandatory program and SARTA opposes that. A further concern raised by the Freight Council is whether this system may in future be used to target trucking companies for carbon emissions. This concern is about so-called green tape on top of the potential red tape that this program will be for business.

The Hon. D.W. Ridgway: Brown tape!

The Hon. D.G.E. HOOD: Brown tape; that is right. Most significantly from our perspective would be the $3,000 to $4,000 cost per vehicle to install the IAP devices, as outlined by the Leader of the Opposition. I remind members that this fee would be on top of the recent doubling of ordinary registration costs for large trucks, B doubles, and the like, from about $7,000 to some $14,000 per year. These continual fee increases are tremendously hard on small trucking companies and the families they employ. When diesel prices were recently high we had the deplorable situation of five

or six trucking firms going broke each week, according to reports made to Family First. Certainly we will not allow that to continue.

I indicate Family First support for the second reading of the bill. Family First does not want to see any more trucking companies go broke in these hard economic times, either thanks to red tape or so-called green tape. For that reason we have concerns about the mandatory rollout of the IAP scheme. A voluntary scheme would certainly be more favourable to Family First.

The Hon. R.L. BROKENSHIRE (16:26): I did advise that I would make a few brief comments. I support what my colleague the Hon. Dennis Hood said. I want to talk about the IAP area. I have real concerns—as does the Hon. Dennis Hood and Family First—with respect to the implementation requirements and the possible retrospectivity of this. I am fundamentally against retrospectivity in any case but particularly at a time like this. I know that ministers are under pressure when they go to ministerial council meetings. A lot of this work is done behind the scenes by senior officer groups. It is very hard, in fairness to a minister, to get their head around all this.

I am sure that some of this is driven with the right intention, but sometimes it is driven at far too fast a speed through the national process network of senior officer groups and departments. I just want to highlight to the council that, in recent years, recent months and right at this very time, enormous demands are being put on the transport industry at a time when we are in a very difficult economic situation. Let us remember that the state of South Australia, apart from Western Australia and Queensland, must rely more on transport than any other state in this nation. The livestock industry is an example where all these other imposts will be put on drivers and owner operators, many of whom, I might add, are family owned and operated.

Their families miss out on a lot while their husbands and sometimes wives are out driving these big B doubles, triaxle semis and often road trains. All these other imposts are being put on them at the moment and I think that, at times, you do have to say, 'Enough is enough.' Until we can get some clearer direction and a stronger economy, we should be focusing on a more general law enforcement presence. We are not seeing that out on our rural and regional roads. We have been requesting that the transport industry upgrade its fleets at enormous cost to industry. It costs about $300,000 just for a prime mover these days.

However, the positive side of that is that these prime movers are so much safer than they used to be that the investment focus has to be around those areas at the moment. As my colleague the Hon. Dennis Hood said, to expect truck drivers to be able to put in $3,000 and $4,000 pieces of technology—which I am advised have fundamental flaws in terms of how they will be managed as well as how they can at this stage potentially be breached—is not the right way to go about it.

Let us give the transport industry in South Australia some breathing space and remove the intelligent access program section from the bill and perhaps bring it back in, as my colleague has said, on a voluntary basis or when people are upgrading their fleet. Some of these companies will be looking at an investment of over $100,000. That is a massive amount of money, and they just cannot afford it at the moment.

If government and senior bureaucrats go down this path of continually placing more and more demands on the transport industry, unfortunately, at the end of the day, they will either go broke, as my colleague has highlighted, or they will have to increase the cost of freight. Guess what happens then? That hits the hip pockets of the families concerned at a time when they just cannot afford it. Food and other commodity prices are high enough now without other input costs with respect to the transport industry.

I have had a lot to do with the South Australian Transport Association and Mr Steve Shearer over many years, and also the Livestock Transporters Association of South Australia. They have done a lot to clean up their act and have worked cooperatively with government, but this is a time when the parliament needs to support the industry, which is generally proactive in supporting government with respect to good safety and other initiatives. They have cleared out most of the cowboys from the industry. Times are tough at the moment. Let us give the transport industry and the families involved a fair go. For that reason, I strongly support the Hon. Dennis Hood in saying that we have major concerns about the implementation and support of the intelligent access program section of this bill.

The Hon. R.P. WORTLEY (16:31): I rise today to speak in support of a bill that has the same significance for me as did the Road Traffic (Heavy Vehicle Driver Fatigue) Amendment Bill, on which I spoke last year. As a longstanding member of the Federal Council of the Transport Workers Union of Australia, I have been directly involved in many initiatives intended to promote

and enhance safety for drivers of heavy vehicles. Very often at the federal council, when it came to issues such as wage campaigns and occupational health and safety, occupational health and safety always took priority over wage campaigns because of our concern for our drivers.

I have already spoken about the appalling results of heavy vehicle crashes on drivers and others using our roads and referred to a variety of research highlighting the impact of driver fatigue on such events. Sadly, the number of fatal crashes in South Australia in which heavy vehicles (including rigid trucks and buses) are involved is increasing. There were 12 in 2007 and 19 in 2008, and in the first quarter of this year there have already been two fatalities involving articulated trucks, two involving rigid trucks and one involving a bus.

Speed is undoubtedly a major contributor to these crashes, as well as fatigue. The lasting effects of these tragedies on the relations, friends and colleagues of those involved are devastating. Road safety is a concern to us all and a matter of the greatest importance to the government. I am pleased to express my strong support for the measures that I am about to discuss.

However, I would first like to reflect on the huge scale and the extraordinary complexities of the transport sector in the 21st century. The transport task in a global economy, where operations take place 24/7, is extraordinary. Movements are faster, their scale is bigger and loads are bigger. Costs are minimised at every level due to financial imperatives. With customer demands and the speedy provision of goods and services, heavy vehicle drivers are pressured to perform for more hours with less rest.

The sector is expected to grow exponentially, with the transport task anticipated to double in the period leading up to 2020. Let us just think about it. More and more frenetic transport events mean more and more opportunities for close shaves, accidents and even fatalities. The stage is well and truly set, therefore, for increased speeding to meet time deadlines and get the next assignment loaded and the next run started. It is in the context of this 21st century global trading environment that I turn to the bill before us at present.

The bill complements and extends the earlier piece of legislation by conferring regulation making powers to enable the introduction of two Australia-wide regulated heavy vehicle initiatives. These relate to motor vehicles or trailer combinations of a gross vehicle mass greater than 4.5 tonnes.

The initiatives are, first, the intelligent access program (IAP) and, secondly, heavy vehicle speeding compliance. The model IAP was developed by the National Transport Commission (comprising employers, government and unions) in consultation with state and territory authorities responsible for transport enforcement and, of course, with the road transport industry. Late in 2007, the Australian Transport Council approved the package.

The implementation of specific intergovernmental agreements between the Australian Transport Council and the Council of Australian Governments is mandatory. So, this bill makes South Australia's commitment to the agreement tangible by providing the necessary power for the making of appropriate regulations. The IAP will allow GPS monitoring, coupled with the installation of in-vehicle technology to measure speed. This will ensure the compliance of individual heavy vehicles, particularly restricted access vehicles, with existing speed limit and, importantly, road access regimes. These innovations will dramatically improve the detection of non-compliant behaviours. They will improve road safety and they will help to alleviate wear on the road network.

How will this be achieved? A chain of responsibility will be established so that all parties—from the loading manager to the consignee, the consignor to the scheduler, the operator to the contractor and right up to the employer—will be obliged to take positive steps to prevent speed limit breaches. They will need to consider their actions in light of that duty of care. It is clear, therefore, that the legislation captures off-road parties, not heavy vehicle drivers, for whom an existing legislation regime already exists.

While the duties of care of each of these off-road parties vary, the absolute obligation is common to all. They must take all reasonable steps to make sure that the party's directions will not cause, contribute to causing or encourage drivers to travel at a speed outside current constraints. This supplements and enhances both the chain of responsibility framework already in place with regard to mass, dimension and load restraint, and the existing driver fatigue compliance protocols. That is why I become a bit miffed when some members of this chamber start talking about voluntary and not mandatory introduction.

Most trucking companies are very responsible and do the right thing. With this legislation, we want to catch those people who are out there undercutting rates, putting in very cheap rates to do the job and, once they get the contract, putting unrealistic speed conditions on their drivers. This is what causes accidents. If trucking companies can survive only by undercutting rates and pushing their drivers to drive at unsafe levels they do not deserve to be in the industry. There are plenty of responsible companies out there to take up that position. I find it staggering that anyone can advocate voluntary introduction when the ones who will not put them in are the very companies we are trying to get.

I also bring to the attention of this council that both the National Transport Commission and the state transport industry have accepted and endorsed this package. I do not know who the opposition is representing or who it claims to represent. Is it representing the shysters who are happy to have their drivers speeding on the road with unrealistic schedules? Is that who you are protecting? It sounds like you are protecting them, otherwise you would support this legislation in order to make this industry safe.

The Hon. J.S.L. DAWKINS: I have a point of order, sir. The honourable member has been here long enough to know that he should direct his remarks through the chair. I was not aware that the chair had any particular position on this bill—or any other bill.

The ACTING PRESIDENT (Hon. I.K. Hunter): The chair has no position on any particular bill, as the honourable member well understands. There is no point of order, but the council would be assisted by the Leader of the Opposition not interjecting, otherwise we will be here all night.

The Hon. R.P. WORTLEY: Thank you, Mr Acting President. An industry code of practice, registered with the applicable road authority and appropriately maintained, will ensure that parties in the chain of responsibility are able to demonstrate that they have taken all such reasonable steps. If a company enters a contract with the result being that speeding ensues, due to schedules or deadlines that are not reasonable, entry into the contractual arrangement will be illegal. Compliance and enforcement protocols will be applied and strengthened. I note that New South Wales, Victoria and Queensland have now implemented their model IAP legislation, and it is anticipated that the remaining jurisdictions will follow suit in the course of this year.

Improved heavy vehicle speeding compliance is the second limb of the new scheme. The bill envisages the approval by regulation of speed analysers and photographic detection apparatus. This will negate the present requirement for gazettal of locations where both devices are installed. The presumption of accuracy (as far as these devices are concerned) will be extended from six days following testing to 27 days following testing.

Experience and evidence available to SAPOL indicates that the induction loops of speed detection devices are stable and that monthly testing is now appropriate. This is commensurate with testing protocols in other Australian jurisdictions. Finally, two minor amendments go to the presumption of accuracy under certain specified circumstances.

I am proud of the bill before us. Its provisions will protect and enhance the safety and the productivity of our heavy vehicle industry. It will promote departmental efficiencies and occupational health and safety for workers. It will help to keep our roads safe and in good repair for all users. I commend the bill.

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) (16:41): I thank all members for their second reading contributions to this important bill. In response, I will seek to address some of the questions and concerns raised by members. The Hon. David Ridgway indicated his party's support for the bill with one exception; that is, the provision to allow the introduction of a national heavy vehicle initiative, the Intelligence Access Program. I thank the honourable member for his support for the majority of the bill.

The Liberal Party's opposition to IAP is based on concerns raised by the South Australian Road Transport Association (SARTA). I should emphasise that SARTA has stated that it supports IAP in principle. It is not opposed to the IAP legislation per se but, rather, the policy around when the legislative scheme would be applied. SARTA supports IAP where it is used to facilitate new access or operational conditions and where the industry has assessed that there is a genuine net business benefit. This is entirely consistent with the government's approach to the application of IAP.

I will address the issues raised on behalf of the transport industry, after the following preliminary remarks. I remind members that IAP is a scheme whereby restricted access vehicle operators can obtain increased access to the road network in return for being monitored by in-vehicle units that send information about the vehicle's location via satellite to independent certified IAP service providers that pass on that information, particularly about non-compliance with the access conditions, to the road authority. That is where the information goes.

The access conditions contemplated by the model legislation are about travel on particular routes, the time of day and the speed. Monitoring for mass or for vehicle configuration are under development and will require amendments to the model legislation. Restricted access vehicles are longer than 19 metres and have a combined mass of greater than 42.5 tonnes—such as road trains, B-doubles and mobile cranes.

They can operate only on roads that have been assessed as suitable for their length and mass, and they must have specific approval from the minister to do so, either by a permit for an individual vehicle or by a notice published in the *Government Gazette* for a class of vehicle, and fees are attached to some of those permits.

The IAP scheme was developed nationally and approved unanimously by transport ministers in December 2005. The model legislation has already been implemented in Queensland, New South Wales and Victoria.

It is important for South Australia to have the capacity to participate in this national scheme so that we can match the access conditions that the jurisdictions with IAP can offer their operators. For example, currently, there are South Australian transport operators who operate under IAP in New South Wales but cannot be allowed the same condition here and are required to carry route compliance certificates for their journeys in this state. Some of those transport operators already have the IAP infrastructure, if you like, in place in their vehicles because they are required to comply with other states' requirements. However, as I stated, they possibly cannot be used here. They cross over the border to South Australia and have to switch it off, then buy a permit to proceed.

The Hon. Mr Ridgway raised a concern that IAP will be applied where the industry's assessment is that the additional access does not justify the cost of IAP. It is intended that DTEI will consult with the industry on each proposed application of IAP and will not impose IAP unless it is cost neutral or provides additional benefits to the industry sector. The fear mongering that this will cost the industry huge amounts of money is simply misleading because we have given a commitment that we will not impose IAP unless it is cost neutral or provides additional benefits to the industry.

However, the risk of road infrastructure damage from these high mass vehicles is such that DTEI may not be able to grant additional access without IAP monitoring. So, in South Australia, it is likely that initial applications will be to over-width low loaders to provide extended night travel, for instance, which would be a good thing. As to higher mass limit (HML) vehicles, there is no requirement to carry a route compliance certificate which will be of particular use to operators already involved in IAP in New South Wales or Queensland, as I have already pointed out. Many have to comply already.

The Hon. Mr Ridgway raised the concern that IAP will be applied retrospectively as a further requirement of existing access conditions. The government's position is that it will apply IAP as a condition of access only in consultation with the industry sector involved and where it is cost neutral or provides additional benefits to the sector. We have given that commitment and we are on record with that commitment.

When providing additional access to the type of heavy vehicle with the agreement of the industry sector, it may be necessary to require all vehicles of a particular type to have IAP, whether or not every vehicle of that type takes advantage of the additional access. This would be done to prevent non-IAP monitored operators using the additional access illegally and to ensure a level playing field between all operators of these vehicles. For example, an in-principle agreement has recently been reached with the Civil Contractors Federation for the future application of IAP to over-width low loaders in relation to non-daylight hours operation.

The Hon. Mr Ridgway raised the issue of the cost of IAP. This cost will be borne by the industry participants and can be offset against the benefits of the additional access gained. Operators will pay IAP service providers a market-based fee for the monitoring equipment and services. Operators should be able to recover the costs of these services relatively quickly. A

number of other honourable members raised the issue of cost as well, not just the Hon. David Ridgway.

The Hon. David Ridgway mentioned that all current telematic monitoring systems used by the transport industry for their own business reasons are not recognised by the IAP scheme. There are now four certified IAP service providers. They offer a variety of business services in addition to the monitoring required by the IAP. The certification body, Transport Certification Australia, continues to work with the telematics industry to have more participants certified. It has actively encouraged transport operators and their telematic providers to discuss having their existing systems approved for the purpose of IAP.

Certification provides an assurance that the systems used conform to a standard required for prosecutorial purposes, particularly that they are secure from interference along the entire transmission path. In the end, it is a commercial decision for the telematics provider whether or not to become an IAP service provider. One IAP service provider contacted recently gave an estimate of $2,800 for equipment and installation and a monthly monitoring fee ranging from $80 for 24 months to $140 for 12 months.

The Hon. David Ridgway raised a concern that IAP will be an impost—a default enforcement tool—across all operators, including those who comply, in order to prove their compliance. I believe that some other members raised this issue as well. In response, DTEI advises that, while there are operators at each end of the spectrum who will comply with or disregard laws, regardless of the enforcement regime in place, the majority of operators comply because there is some enforcement. IAP is another tool to ensure compliance with access conditions where the risk of infrastructure damage from unauthorised extra heavy vehicles or loads is high. Such technological solutions are increasingly necessary as the freight task increases.

Decreased road safety and damage to roads can result in indirect costs for both the transport industry and the community in general. As stated previously, DTEI will not impose IAP on operators without consultation. The impact of infrastructure damage from non-compliance by even a small percentage of high mass restricted access vehicles is large enough to warrant monitoring by IAP in return for additional access where that provides benefits that offset the cost of participation in the scheme.

The Hon. David Ridgway queried whether the implementation and management of IAP technology will enable false declarations through the use of self reporting of mass; for example, whether a vehicle is under the higher mass limit threshold so that it can travel the prescribed route for such vehicles. IAP is a compliance tool that works in conjunction with on-road enforcement. IAP monitoring generates noncompliance reports that can be assessed for possible prosecutions.

IAP also provides intelligence about particular activities so that police and DTEI safety compliance officers can more effectively direct on-road activities. On-road enforcement can be focused on locations where drivers are likely to go off route and falsely declare that they have offloaded and are carrying less mass. Mass breaches detected on roads carry heavy penalties for drivers and chain of responsibility parties. The self reporting function also benefits the operator by being able to report legitimate incidents where a vehicle is unable to comply with access conditions, thereby being able to mitigate any further unnecessary noncompliance investigations.

Currently, operators and drivers are required to determine the correct operating configuration of their vehicle and ensure that they carry the appropriate documentation and route maps. Similarly, with IAP, prior to commencing the journey, the driver, through a self declaration device fitted in the cab or by communication from the transport operator's office, must advise the IAP service provider of the operating configuration, which then enables the IAP service provider to monitor the vehicle against the correct route and access conditions. Only when there is a change of configuration or mass is the driver or operator required to notify the IAP service provider to enable monitoring against the revised conditions, thus preventing unnecessary noncompliance reports from being forwarded to the road authority. A change is recorded and submitted by the IAP service provider to the road authority.

The model legislation requires both vehicle operators and vehicle drivers to report malfunctions of IAP equipment fitted to the vehicle to DTEI and the operator respectively. A malfunction includes situations where the system operates only intermittently. The maximum penalty for failure to report a malfunction is a $6,000 fine. Reporting a malfunction will protect the driver and operator when a noncompliance report is generated because it appears the IAP equipment is not working.

The road authority will investigate noncompliance reports to determine whether they represent a breach of road law or have a technical cause; for example, it is well known that a signal has been lost when a vehicle travels through a tunnel. Tampering is an offence for which the maximum penalty in South Australia will be $10,000 for an individual and $20,000 for a corporation. The offence of tampering is committed by altering the system, its installation or its use with the intention of causing the system to fail to collect, store or report IAP information; so, there has to be a matter of intent associated with it.

SARTA would like to see IAPs made mandatory for serious and repeat offenders. The national model legislation does not include requirements for the ways in which IAP can be applied. The Road Traffic Act already provides for a court to apply IAP-type systems to systematic or persistent offenders. Once the IAP legislation is in place, this sanction is one that prosecutors could be encouraged to request in appropriate circumstances.

In conclusion, IAP has road safety benefits and enables the mitigation of infrastructure damage risk associated with providing the transport industry with improved or extended access to the road network, which in turn enables higher productivity in supporting the rapidly increasing freight task and the use of larger and heavier vehicles. Without IAP and the intelligence gained from noncompliance reports, the government will have to rely solely on road enforcement methods that will be under increasing pressure to cope with fast growing road freight tasks.

If the government is unable to appropriately manage increased risks associated with providing improved or extended access, there will be situations where access cannot be safely granted to the detriment of the productivity of South Australia.

The bill before parliament allows the introduction of the IAP scheme. IAP is a tool that can be applied to many different situations. The government will work with industry on each proposed application of IAP to ensure that there is a benefit from the extended access.

I would like to thank honourable members for their valuable contributions to the debate. I look forward to the committee stage. For those honourable members who made second reading contributions today and asked specific questions that have not been addressed by these particular answers, I will be happy to provide those during the committee stage.

Bill read a second time.

STATUTES AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL

Adjourned debate on second reading.

(Continued from 3 June 2009. Page 2529.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:59): I rise on behalf of the opposition to speak to the three bills that we have before us: the Statutes Amendment (Australian Energy Market Operator) Bill, the National Gas (South Australia) (National Gas Law—Australian Energy Market Operator) Amendment Bill, and the National Electricity (South Australia) (National Electricity Law—Australian Energy Market Operator) Amendment Bill.

They are all important, but No. 11 on the *Notice Paper* is the main bill, and the other two are almost consequential. I will speak to all of them as a package because I think it will make it a little easier and less time-consuming.

As members would be aware, we presently have a national electricity market. However, we are now bringing this into a national energy market, with the COAG agreement of 2007, which will establish a single industry funded national energy market operator (the Australian Energy Market Operator or AEMO) for both electricity and gas, and that is to be done through these three bills. I think members would understand that electricity is a relatively consistent product, which has been dealt with pretty well in a national sense, with the operation of NEMMCO and a whole range of other initiatives that have taken place over time.

The South Australian national electricity bill was introduced in this place in May 1996 by the then minister for infrastructure, the Hon. John Olsen. The introduction of measures involving the leasing of our electricity assets was somewhat contentious, but over the period of our term in government it is clear that the Liberal Party has had a longstanding interest in what is best for South Australians in relation to our energy supplies. In fact, back in those days, the Hon. John Olsen vigorously pursued the opportunity for South Australia to be the lead legislator in relation to any national law and, of course, we are again the lead legislator across the nation.

It is interesting to look at the transformation that has taken place over time. I can remember as a young boy on a farm in the South-East that we generated our own electricity with a 32 volt generator in the shed in the back garden. What a wonderful transformation it was when we had 240 volt electricity supplied to the property. Now we are seeing the evolution of energy supply to the point where we have a national market, where the eastern states and South Australia are all interconnected, and it works particularly well.

The government has for some time conveniently blamed any change in electricity and particularly energy prices on the fact that the former Liberal government privatised and leased our electricity assets. I am sure you are aware, Mr President, that, at the time that legislation was passing through this chamber, members were saying that, if certain members of the Labor Party did not cross the floor to support the Liberal Party, they would have burst in here and carried them across to the other side of the chamber. I was not here at that time, but I have heard those stories in the corridors of this place.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The honourable member says that I should not believe everything I hear, but I have heard it from so many sources, and I am sure there has to be a fair degree of fact in those stories. As I have said, the Liberal Party has been blamed a number of times for price increases, yet the net cost of energy and electricity in real terms has probably gone down somewhat over the past few years. What is of some concern to the opposition is that, once you go to a truly national body, as is proposed, the pricing mechanisms are taken out of the control of South Australians and the price we pay for energy, whether it be gas or electricity, will be at the whim of the eastern states.

I know that my colleague the Hon. Rob Lucas (who was intimately involved in the leasing of our electricity assets and, without a doubt, probably has the best mind in this parliament when it comes to knowing about energy regulation) will be making a contribution to this bill tomorrow, and he has a number of questions he wants to put on the record.

A national energy market is being proposed by these three bills, and I think that the government has committed $20 million to further renewable energy initiatives. I spent some time, together with the Hon. Mark Parnell and other members in this place, on the Environment, Resources and Development Committee, and we would often see wind power projects come up for review by that committee. In fact, we conducted an inquiry into wind power, and at that time there was some discussion about the fact that we had reached the capacity in the South Australian market for wind power, bearing in mind that, if you have too big a component of variable power, the grid becomes unstable.

So, for us to advance that industry, we must have access to a national market to enable us to facilitate that in a better way. I know that is not covered by this legislation, but it is interesting to note that regarding solar power for domestic users (something that the opposition is looking at closely, and we may even bring in an amendment bill) we have a feed-in tariff, which provides some incentive to householders and domestic users in that respect. With the amendments—

The Hon. M. Parnell interjecting:

The Hon. D.W. RIDGWAY: The Hon. Mark Parnell interjects that it needs to be fixed. I know that amendments I think the Hon. Mark Parnell moved in this place were to allow churches, community halls and other places, other than private dwellings, to participate in that scheme. We saw the Premier announce this wonderful initiative of wind turbines in the city. Sadly for the Premier, they never worked and perhaps would never have been connected to the grid. Again, it is an example of some of the spin that we have to endure under this government. However, there is some good new technology around.

I recall from my childhood that we had little Dunlite generators that would sit on something that was a bit like a windmill tower in the backyard, and it produced enough electricity to light a couple of lights; it did not produce a lot of electricity. There is new technology around now that may allow an opportunity for churches, school halls, scout halls and community halls and particularly domestic and rural householders to install a wind turbine. Something we need to look at is that, if they can produce electricity for a domestic situation under similar guidelines to those for solar power, we should look at some way to facilitate mechanisms so that the people concerned can receive financial recompense by way of a feed-in tariff in exactly the same way as for solar power.

It is also interesting to note that we are blessed in South Australia with the wonderful asset of hot rocks and geothermal technology, albeit in its infancy in our Outback, which is making good steps forward. When the Hon. Wayne Matthew was the minister for mineral resources or mining he acknowledged that we had a geothermal industry and needed to facilitate it in a legislative sense, and I congratulate him for that. We will see an opportunity over time to produce a significant amount of electricity, and it will be a national asset. This whole national market facilitates the development and investment by companies in that technology even more.

We do not ever talk about it—and it is not Liberal Party or government policy—but we have that wonderful uranium resource, and at some point we may find in Australia's future, when we have had the debate and if and when the community is prepared to accept it again, that we have tremendous amounts of energy in this nation. The national market framework being set up with this suite of bills will allow development and investment more easily than if we still operated as individual states.

The concerns of the opposition will be outlined by the Hon. Rob Lucas, who is the guru on energy regulation in our team. He will ask more technical questions tomorrow. The new AEMO will be responsible for two critical new functions, the most important being the national transmission planning responsibility. To meet the federal government's carbon policy objectives, electricity generation needs to change promptly from coal fired to low emission gas fired and renewable generation. These generation sources are often from remote locations, including South Australia's geothermal solar and wind resources. In the past, transmission planning largely has been carried out on a state by state basis.

The establishment of a national transmission planning body is imperative to coordinate the planning and investment of transmission assets across state boundaries in order to meet the carbon policy goals. That is absolutely right when it comes to a national approach, but the opposition is concerned that the capacity to set the price for energy in South Australia will be taken out of state hands. If we look at our federal parliament, we have a Senate where all states are equal so that state interests are not overrun by the big brothers in New South Wales, Victoria and Queensland. I understand that the Hon. Rob Lucas will have more detailed questions, but a question I ask the minister is: how will the framework affect our ability to control our price for energy in South Australia? That is a fundamental concern, and I note that the Hon. Mark Parnell will speak when I have finished, and I expect some of the concerns he will raise will be in line with the end result to consumers.

I also note that, while electricity is relatively easy to deal with, the gas market is different. My advice from some of the industry stakeholders in relation to gas is that we have three different types of supply arrangements. South Australia has a supply arrangement where you cannot starve the market; it always has to be in balance so that electricity generators have access to gas and mums and dads also have access on an equal basis. Victoria has four hours of supply in the system, and New South Wales has a different supply arrangement, so it is not nationally consistent. Electricity is all the same voltage and a product that is easy to control and manage because it is consistent.

Industry people are saying to me that they see this as a positive step forward and that it is logical for investment in infrastructure, pipelines and exploration of new gas fields that we have a national market and we are largely interconnected with a range of pipelines put in over time, and we know that coal seam, methane and other gas will come on to the market. The industry said that it is a case of 'suck it and see' from its viewpoint. It acknowledges that the framework was a sensible way forward; it seems logical. Industry stakeholders, whilst raising questions about some of the planning and pricing issues, by and large all say that it is the logical way forward.

When the minister responds, I ask him to put on the record, because we have these different regimes of supply in the different states, how over time it will conform to a national framework where no state and no gas consumers are left disadvantaged. I notice with the price setting for gas that the AEMO will be able to publish annually a gas statement of opportunities that will analyse gas supply and the demand and provide information to aid investors in gas production and pipeline infrastructure. NEMMCO currently publishes a similar statement for electricity.

I am interested to know, because we have different regimes in the states, how it will fit together and work so that gas and electricity consumers—the people who elect us, the mums and dads in the community—have legislation that is in their best interests, and in the end they get a quality, reliable source of energy at a consistent and affordable price. We are going through difficult times as an economy presently and we do not want to put an extra burden on our mums and dads

in the community. As I said, the concerns the opposition mostly has relate to price setting and to future planning with the abolition of the ESIPC. With those few comments, I indicate that the opposition will be supporting all three bills, and I look forward to contributions from other members.

The Hon. M. PARNELL (17:15): I think that this is the third time that these tranches of national bills have come before us, and the Greens have been critical on each occasion. We have been critical of the process that has led to this legislation. We find it to be undemocratic and dominated by deals done at the executive level behind closed doors, with little room for the parliament to influence the outcome, and this set of three bills before us now fits into that category as well. We are told that deals that have been struck nationally cannot be interfered with at the state level. That does beg the question of the role of a state parliament in debating these laws given that we are under incredible pressure not to amend them in any way.

On previous occasions I have moved amendments to these national energy laws, all of which have failed. The lens through which I will be looking at this legislation is the question whether the arrangements that are being put in place position us for a carbon constrained energy future. I do not think these arrangements do position us as well as we need to be positioned. I note that South Australia is usually the lead legislator in relation to these laws but that other states have in fact already passed the bills that are before us.

In terms of the content of the legislation, in relation to energy planning functions, the role of the National Electricity Market Management Company (NEMMCO) is being replaced with the Australian Energy Market Operator, or AEMO (the acronym that is being used). It is also replacing our state Electricity Supply Industry Planning Council, or ESIPC, as its acronym goes. I can see no good reason why those planning bodies, in particular the state planning body, needs to be done away with as a consequence of this legislation. My understanding, and I thank it for the briefing it provided to my office, is that the government is keen to avoid the replication of duties.

I have a bill before parliament to reform the state ESIPC body. When this legislation passes that bill will have no future. However, the reasons I sought to amend the state Electricity Supply Industry Planning Council are the same reasons why I find this legislation to be inadequate, that is, that the planning bodies do not adequately take into account the important role of demand management, and they do not take into account the special interests and needs of small suppliers of energy, in particular, renewable energy.

In fact, concentrating the planning function in the hands of the existing big operators leads, I believe, to a direct conflict of interest. The large energy generators and retailers will have a huge say in the operation and the planning of this new energy market operator. These big corporations are already the ones that benefit most from the current make-up of the grid. They are big, heavy, centralised providers of conventional fossil fuel energy, and they will have 40 per cent of the say in this new company. If we give those existing operators—the big energy end of town—responsibility for planning the future of the electricity grid, I think there is not much doubt that they will favour the current centralised model rather than more diversified sources of energy or energy efficiency.

They are very likely to favour solutions that make the situation easier for them rather than what Australia really needs, particularly in a carbon constrained future. In fact, they would not be doing the right thing by their own shareholders if they did embrace a bold new future, because their obligation is to the existing coal, gas and other fossil fuel company shareholders. The voices that will miss out are the voices of consumers and the voices of the smaller operators. When this legislation went through the Victorian parliament recently the Hon. Greg Barber, the leader of the Greens in Victoria, posed the following question:

> Is any of this getting us closer to the smart grid that we need in contrast with the big centralised grid that we have had forever? The centralised grid may have served our needs in the past, but it is certainly past its use-by date.

That is the question that I think we need to consider when we are looking at this legislation. Are we putting in place the best mechanism to help us get a smart grid? Clearly, the current grid is not that smart. We have a situation where if something goes wrong in Tasmania the lights go out in Prospect. That is not a smart grid. If we are looking at an energy future that is more decentralised, less dependent on a traditional fossil fuel base load, more accommodating of renewable energy (whether it is wind, solar, hot rocks or anything else), it will be a grid that is very different from the one that we have had up until now.

In conclusion, the Greens do not support this legislation, because it does not put in place the right rules to transform our energy markets in the way they need to be transformed if we are serious about addressing climate change and energy security. I will not be speaking separately to

the other two bills. My comments on this first bill stand for the other two pieces of legislation before us.

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

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March 2009. Page 1560.)

The Hon. J.M.A. LENSINK (17:23): I rise to address the second reading of this bill. I am in the curious position that I do not necessarily represent the views of my colleagues on this side of the council, because this bill is a conscience matter for Liberals.

This is a bill to amend the Reproductive Technology (Clinical Practices) Act 1988. In many ways, there are a number of aspects of it which are quite technical and relate to the modernising of the current provisions. There will be aspects of it that some people will find unpalatable. There are amendments about which I think members will have various views, and I look forward to the committee stage of the debate. I indicate that I will consider all the amendments very carefully.

Broadly speaking, this bill relates to updating competition issues and bringing into line some of the language that reflects more modern practices. In her second reading speech in another place, the member for Bragg outlined quite extensively that this bill is quite overdue for a couple of reasons. The first is that the government was caught napping in relation to ensuring that it complied with competition provisions. The member outlined that in quite some detail. She went to the trouble of writing to the competition bodies, and so forth.

I will not repeat all those details, but I commend her for her efforts in attempting to ensure that South Australia was compliant with the legislation. She did not really have much luck in terms of some of the state institutions 'fessing up about whether they were or were not. I note that this bill will bring us in line—and also in relation to a private member's bill that the member introduced, which was highlighted by the Sheree Blake case. Members would be aware of the lady whose husband had passed away and there was sperm available, with her husband's permission, which she was unable to access to become pregnant (and I note that the government has put that in this bill without giving credit where credit is due).

There are a number of technical aspects with respect to this legislation. I note that the bill is not particularly large, in terms of the number of clauses, but there are a couple of sets of regulations that assist in guiding clinical practice and codes, those being the Reproductive Technology Code of Ethical Clinical Practice Regulations 1995 and another regulation, which is quite extensive. They relate to NHMRC guidelines, and so forth. This bill will bring us into line with some of those federal regulations and ensure that we are consistent with national standards and guidelines and that we comply with national competition principles and eligibility requirements and will make allowances for new treatments and so forth.

I note that many of these changes have been recommended by the South Australian Council on Reproductive Technology, which is to be dismantled under this scheme, and I place on the record the thanks of the South Australian community for its work over many years in what is at times a difficult issue for many people.

There is also the modernisation of language, in terms of some of the definitions, which more accurately reflects common practice and commonly referred to terms and so forth. I do not propose to speak to those in a great deal of detail.

I also acknowledge the letters that we have received from donor conceived offspring, who have been quite distressed about the current situation, where they are unable to access information about who their donors may have been, which I think is a fairly vexed issue for many people. Some people would wish for those details to be revealed and some would say that, were it known at the time that that information would be revealed, people may not have become donors. I think that is a particularly vexed issue.

I do not believe I have seen any amendments to that effect in this bill. I have stated that it really looks at many of the compliance and technical issues in relation to assisted reproductive technology, which is a practice which I think has become much more accepted. At the time of the passing of the original legislation, it would have occupied the conscience of many members of our parliament in deciding whether or not they would agree to it.

Overall, it has been a benefit for our community and it is a service that many couples seek to avail themselves of in order to have a family. It is something that people generally support. With those brief remarks, I indicate support for the second reading and look forward to the committee stage of the debate.

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

STATUTES AMENDMENT (PUBLIC HEALTH INCIDENTS AND EMERGENCIES) BILL

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

WATERWORKS (RATES) AMENDMENT BILL

The House of Assembly disagreed to the amendment made by the Legislative Council.

At 17:31 the council adjourned until Wednesday 17 June 2009 at 14:15.