LEGISLATIVE COUNCIL

Wednesday 17 June 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:18): I bring up the 23rd report of the committee for 2008-09.

Report received.

PAPERS

The following paper was laid on the table:

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

Parole Board of South Australia—Report, 2007-08

BURNSIDE CITY COUNCIL

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) (14:19): I seek leave to make a ministerial statement about the recent resignation of the CEO of the City of Burnside and his reported reasons for resigning.

Leave granted.

The Hon. G.E. GAGO: I am aware that the CEO (Neil Jacobs) recently tendered his resignation, to take effect late August. Media reports suggest that Mr Jacobs 'resigned over a harassment case' and that 'his ability to provide a safe workplace free from harassment and bullying had been compromised'. I am also aware that a defamation action is currently being taken by several members of the council's Development Assessment Panel against a member of the council. Obviously, as the minister responsible for local government, I am very concerned about these matters.

There appears to be a continued deterioration in the relationship between various council parties that may not be conducive to good decision-making and may not be in the best interests of the elected body, its administration or the community the council represents and serves. Given these circumstances, I have written to the mayor today to notify her that I have directed my officers from the Office of State/Local Government Relations to meet with the mayor and other officers, as required, to discuss these matters before advising me whether there are any grounds for a formal investigation under the act. I have urged that the initial meeting occur expeditiously.

As members would know, under section 272 of the Local Government Act 1999, the minister may appoint an investigator or investigators to carry out an investigation of a council if the minister has reason to believe:

- That a council has contravened or failed to comply with a provision of this or another act; or
- That a council has failed to discharge a responsibility under this or another act; or
- That an irregularity has occurred in the conduct of the affairs of a council in relation to matters arising under this or another act.

Members interjecting:

The Hon. G.E. GAGO: I do not believe that any breaches in legislation that have occurred have been brought to my attention.

Members interjecting:

The Hon. G.E. GAGO: Clearly, the opposition is not interested in these most important matters. There are internal dynamics within the council that add further complexity to the situation. However, it is vital that due process is afforded to all parties.

PORT AUGUSTA PRISON

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) (14:23): I lay on the table a copy of a ministerial statement on matters arising from the October 2008 Port Augusta prison riot made in the other place today by the Hon. Tom Koutsantonis.

Members interjecting:

The PRESIDENT: Order! Opposition members will come to order.

QUESTION TIME

FINE INCREASES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question about exorbitant increases in fines.

Leave granted.

The Hon. D.W. RIDGWAY: I was recently contacted by an overseas couple visiting from Ireland who are staying here in Australia. Both have jobs here. I think the wife works in the health services area somewhere in the city. They bought an old motor vehicle (I am not quite sure how old), had it checked out by two reputable mechanics and then proceeded to use it as their vehicle for travelling around Adelaide.

Obviously, it was a vehicle that attracted some attention from the police, because they were stopped not once, not twice, but three times by police so they could have a look at the vehicle, because it was old and tired looking. On the first two occasions, police could find nothing wrong with the vehicle, wished them well and moved them on their way. On the third occasion when they were stopped by a police officer, the officer went over the vehicle and found nothing wrong with it except that the numberplate was illegible, and that the white between the black numbers was cracked and not as brilliant white as it had been. The officer fined this young couple $525 for a numberplate that he claimed could not be read.

My questions to the minister are: when did the government increase the fine to over $500 for having a numberplate where the white paint in between the black lettering is cracked and a bit grey; why did it increase this fine to that level; and how and over what time frame did it advertise to the community that this fine was increasing?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:26): There are a fair few assumptions in that question. As we know from previous experience, it is always very wise whenever you get a question of this nature from members of the opposition to check out the facts first.

If the honourable member wishes to provide me with the information, I will refer that question to the Minister for Police and ask him to investigate to see whether the facts as the leader put them in his question are, indeed, the case. If he wishes to provide that information, I am sure that matter can be investigated. If the couple believes they have been unfairly treated, of course, they should go to the Police Complaints Authority, which is the appropriate body to look at it. I will refer the question to the Minister for Police and bring back a response.

CONSUMER COMPLIANCE AND ENFORCEMENT

The Hon. J.M.A. LENSINK (14:27): I seek leave to ask the Minister for Consumer and Business Affairs a question about consumer compliance and enforcement.

Leave granted.

The Hon. J.M.A. LENSINK: Honourable members may recall that I asked a question about a *Choice* report in April this year, in which it was stated that the Australian Consumers Association had conducted a survey and placed the South Australian OCBA in its lowest rankings. The article states:

> Experts regarded the quality of available enforcement options to be less than adequate. They made little comment and observed that the flexibility of these options was 'fairly standard' and the scope was 'basic'. They also rated the available remedies as less than adequate, and observed that they 'do not allow for innovation'.

It also refers to inadequate policy in relation to consumer risk, and states:

> Although...OCBA has a Strategic Plan, it does not specifically target its enforcement resources to particular areas of consumer risk...There is no evidence of a review process in the Strategic Plan.

The minister in her reply stated that OCBA has undertaken a review and believes that these issues have been addressed. In the recent budget I note that, under sub-program 12.3, 'Compliance and Enforcement', the targets of performance indicators for 2009-10 are lower than they were for 2007-08 in that, under 'Performance Indicators', the number of alleged prima facie breaches investigated, warning letters issued, assurances taken and disciplines and prosecution briefs prepared are in every instance lower than they were two years ago. So my question to the minister is: on what basis does she say that these reviews have taken place and that enforcement has become a high priority for this government?

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) (14:30): I would have thought that this would be left as an estimates question. Nevertheless, I am more than happy to answer it.

Indeed, in December 2008 *Choice* released its final report on its assessment of the fair trading agencies and, indeed, our South Australian Office of Consumer and Business Affairs was considered to have a rating below standard. As I have placed on record already, at the time the *Choice* review was being conducted, the Office of Consumer and Business Affairs was, in fact, undertaking a significant structural review of its office, roles and functions around many of the areas identified in that report, and some changes have occurred and many are under way.

I also reported in this place that a new Director, Compliance and Enforcement has been appointed recently in the Office of Consumer and Business Affairs. That officer is reviewing compliance and enforcement activities and a number of other processes within the office and, clearly, is giving regard and consideration to the recommendations in the *Choice* report.

Also, in November last year, I introduced the Statutes Amendment and Repeal (Fair Trading) Bill into the Legislative Council, and this bill offers substantial changes to penalties, and also increased powers to authorised officers. So, as members can see, a number of things have been put in place and are continuing to be put in place to address those issues identified in the *Choice* report.

In relation to the number of investigations, I would need to check my dates, but I know that one year a large number of investigations was conducted under a particular initiative, and I am happy to check that and bring those details here. Obviously, those numbers vary from year to year. The monitoring program that the Office of Consumer and Business Affairs has in place is very rigorous, and we see evidence of that regularly.

For instance, each year we check show bags and each year we monitor children's Christmas toy sales. Just yesterday in this place, in answer to a question—and, obviously, members were again not interested and did not listen—I clearly outlined an initiative that the office was conducting on Eyre Peninsula, including Port Lincoln, around measurements, and officers are checking that scales and other measurements at shop counters and petrol pumps are also included. I know you would be interested in that, Mr President. A range of other measures is being monitored by the Office of Consumer and Business Affairs.

Only a matter of months ago, also in response to a question in this place, I announced that we were checking that the midyear sales offers were, in fact, genuine. I released media reports about that and made the public aware that officers were out checking to ensure that these midyear sales were genuine.

So, off the top of my head, I can list a number of initiatives that I have talked about in this place within just a matter of a few weeks. As I said, in terms of overall figures, they would be expected to vary from year to year.

WATER SECURITY

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Leader of the Government a question relating to water security.

Leave granted.

The Hon. S.G. WADE: On 3 June 2009, the Leader of the Government, in response to a question from the Leader of the Opposition, said:

> In relation to the Port Stanvac desalination plant, it is just rubbish to suggest that the opposition could have built another plant earlier. In any case, why would you do it? This is one of the things the opposition is saying: that it would have had it two years earlier. We have not needed it yet. Sure, we are going to need it in the future but, if it had been built two years earlier, you would have spent all that money and for what...The thing is that this government will build it when it is needed…

He then went on to say that the opposition's criticism of the government's tardiness was the assertion of an ability to predict a drought.

In his foreword to the Thinkers in Residence report of the late Peter Cullen, the Premier stated:

> The water situation in South Australia has become critical.

Further on, he states:

> I do believe, however, that South Australians are coming to realise that we now need to act with some urgency.

The Premier's foreword was published in September 2004. Last month, the Minister for Water Security was asked by FIVEaa's Keith Conlon how long the drought had been going. Her response was:

> The worst part of the drought started in about 2002.

So, it is not a matter of being able to predict a drought; it is a matter of the government being able to face the facts and take action now for the past. I ask the Leader of the Government: first, if investment in water is a matter of responding to prevailing conditions, why does National Water Commission data show that per capita spending on Adelaide's water and wastewater infrastructure decreased by more than 25 per cent from 2003-04 to 2007-08 while the national average more than doubled?

Secondly, did the drought start later in South Australia than anywhere else in Australia, or were the minister's interstate Labor colleagues recklessly investing before a drought set in; or is this government negligent?

The PRESIDENT: Order! You are asking the minister to give an opinion. Part of that question is out of order.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:37): Droughts are, of course, spatially based, if you like to put it that way. At any given time, you can have a drought in one part of the country while there are floods in another. Indeed, earlier this year, we had floods in Queensland—quite large floods, in fact. I believe we had nearly 400 millimetres of rain in one day in parts of the coast that were flooded and, at the same time, we had a drought here.

The fact is that a drought in South Australia will obviously be different to a drought in other parts of the country. In any case, for South Australia's water security, it is almost more important that we have rain in the catchment areas of Victoria for the Murray-Darling Basin than within our own state because, recently, in the opening of this season, we have had some reasonable rains. Water in our local catchments in the past year has been reasonable, but we need water in the catchments, particularly for the Hume Reservoir and Dartmouth Dam. I am not really sure what point the honourable member is making in relation to that.

The fact is that we did have a drought in 2002, but the point I make is that, based on all previous historical knowledge of drought, you do not get the sort of rain deficiencies over such a continuous period as we have had in recent years. That is what is most unusual. We have had some years where we have had some quite severe rainfall deficiency and severe reductions in inflows into the catchment area, but what we have seen in relation to the Murray-Darling Basin is three years in a row—and this year is not looking much better—of quite unprecedented rain deficiencies within the catchment area. So, this is a problem that has emerged. When you plan for any natural event, you do it on the basis of risk management. If you plan for an earthquake, you do it on the basis of what has happened in the past 100 years and what the probabilities are if you are doing it for bushfire, floods and all those sorts of things. We manage them on the basis of probabilities, and we try to manage around those. That probability, of course, is based on historical knowledge.

In relation to water, the fact is that all our historical knowledge is now being set aside because we have had these quite unprecedented events. The point I was making in my earlier answer was that no-one predicted that there would be such a prolonged period of water deficiency within that time.

Anyone can say, 'Let's build a desalination plant', or you can say, 'Let's build a sports stadium'. If you want to build that sports stadium it helps to know, for example, who will use that stadium, it helps to get a decision on a site, and it helps to know whether football, cricket or soccer will be played there, and then get the groups to agree. Anyone can come up with the idea, 'Let's have a stadium; it will be a mere half a billion dollars of taxpayer's money', but you have to look at all of it. With the desalination plant it is very easy to put out a press release saying that we should have one, but all the details and economics have to be worked out—where it would be put, how the water would be treated, etc. This government has done that work in great depth, and it is now under way.

The last part of the honourable member's question talked about capital investment in water, and I draw the honourable member's attention to the Budget Overview for this year—in particular, the section on water, which indicates that in 2009-10 $833 million will be spent on the $1.8 billion 100 gigalitre—

The Hon. S.G. Wade: Seven years after the drought started.

The Hon. P. HOLLOWAY: It would be nice if we could have spent it before the drought, if we had known when to do that. What if we get a 100-year flood? Perhaps the member could tell us when we will get a one-in-100-year flood in the city. If the honourable member can predict drought, presumably he can predict flood. This government has been putting significant investment into water security measures, and it has also been putting significant investment into dealing with floodwater issues. We know that our city is built on—

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

The Hon. P. HOLLOWAY: Well, Gawler for a start, if you want somewhere.

The PRESIDENT: Order! The minister will refrain from responding to interjections.

The Hon. P. HOLLOWAY: Thank you, Mr President. The fact is that this government is embarking on a massive investment program for water, the likes of which the state has never seen. We will be investing in that, and it will guarantee water security for the future. However, as I said, if the honourable member has a crystal ball perhaps he could help us out with predicting earthquakes, floods, and bushfires; he can tell us when all these things will happen. It would make it very much easier for those of us in government if we could have the benefit of his knowledge on those things.

FAMILY DAY CARE

The Hon. R.P. WORTLEY (14:42): My question is to the Minister for Small Business. Will the minister explain what efforts this government is making to support small business operators involved in providing family day care?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:43): I thank the honourable member for his question. This government is committed to providing a range of services and programs to assist small business operators through various agencies. One example of that is the Department of Education and Children's Services, the major sponsor of family day care, administering the family day care program and recruiting and training family day care providers. These providers are self-employed. They are home-based child-care workers and, as such, are small business operators working within a government-approved regulatory framework. There are currently almost 900 small home-based care provider businesses in South Australia working in the cities and regions to support working families.

From a small business perspective, the provision of family day care is very important as it fosters a niche industry that is tailor-made for caregivers who want to work from their own homes. Family day care provides child care for children from birth to 12 years of age in homes of approved care providers. Care hours are flexible, depending on parents' needs, and can be available overnight and also on weekends. Respite care is available for children with additional needs.

DECS supports these small business owners with assistance to select, recruit and train care providers to ensure that their businesses are built on solid foundations. It also supports this

local industry by assessing and monitoring the quality of care and safety through home visits and other contact with care providers. DECS also manages the annual approval of care providers which is required under the Children's Services Act. The agency also assists small business operators to meet the national standards for family day care and the requirements of the commonwealth government's family day care quality assurance system.

DECS also helps to promote family day care across the state by providing information to families about the availability of services in their area. The agency also registers families using family day care and refers families to care providers. In this way, DECS can regularly contact parents to discuss the quality of service.

The agency also provides advice, information and resources to care providers relevant to the needs of individual children and families. It can also coordinate training for care providers, including online training towards qualifying for certificate level and diploma qualifications in children's services. DECS also provides information on standards and policies, including health and nutritional information. To ensure family day care operators are aware of and able to comply with statutory responsibilities, DECS also provides advice, information and resources on legislative, regulatory and licensing requirements.

Family day care is an important and growing area of the childcare industry which encourages small business operators working in their own homes. It is essential that the government provides small businesses and their clients (hardworking families) across South Australia with the support they need to succeed and thrive.

FAMILY DAY CARE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:46): I have a supplementary question. I note that DECS has had a number of policies under review. I recall reading that they were—

The PRESIDENT: Order! The honourable member must ask the question.

The Hon. D.W. RIDGWAY: Can the minister summarise the feedback received by providers on the updated policies and also the expected time frame for the completion of those policies still under review?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:47): Obviously, they are matters for the Minister for Early Childhood Development and the Minister for Education, and I am happy to get that information. What I believe is important as the Minister for Small Business is that, as family day carers are an important and significant number of people, we should represent them through the ministry of small business, and that we will do. However, in relation to the specific questions concerning the department—that is, the Department of Education and Children's Services—I am happy to refer them to the minister and bring back a response.

ADELAIDE HILLS HOUSING

The Hon. M. PARNELL (14:47): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about development in Mount Barker.

Leave granted.

The Hon. M. PARNELL: In answer to a question I asked on 4 June as to whether any private planning consultants are involved in the preparation of the development plan amendment report for Mount Barker, the minister replied:

> What is important when local planning consultant companies are involved in that sort of consideration is that it is made quite clear up front that it is a development plan amendment—whether it comes from the minister or the council, it should be clear who is doing the work—and any connections with developers should be well known.

On Monday night, at the Mount Barker council meeting, a letter was tabled from the minister to the Mount Barker council, which described the DPA process the minister intends to initiate in Mount Barker.

The letter acknowledges the considerable overlap this process has with the growth investigations area project and the 30 year plan for Greater Adelaide. However, before any public or resident of Mount Barker input into these major future planning reports, the minister's letter goes on to say:

Following an approach from a consortia representing landowner interests, I have agreed that they undertake finer grained investigations into the merits and suitability of the subject land for residential and other complementary and supportive urban uses and prepare draft documentation (including appropriate draft Development Plan policy to guide development) for my consideration.

The minister's letter goes on to request the name of the planner who will undertake these investigations on behalf of the consortium.

The fact that the minister has initiated this sweeping change to the character of Mount Barker at the request of a consortia of developers who will be paying a private consultant to write the changes, surprisingly, was not included in the minister's recent press release or his answers to questions in parliament on this issue. The minister has also stated to this chamber that Connor Holmes (the lead author of the growth investigation areas project) has provided the Department of Planning and Local Government with a letter identifying areas that are part of the investigations where the firm has also advised private clients. Given that the minister believes that connections between government consultants and consultants to private developers should be well known, I ask the following questions:

1. Which developers are represented in the consortium acting for landowner interests who approached the minister to initiate the Mount Barker ministerial DPA?

2. Who is the person nominated by the consortium to prepare the DPA investigations?

3. Will the minister release a copy of the letter from Connor Holmes identifying areas in which it has a conflict of interest in its work on the growth investigation areas project?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:40): I know that the Hon. Mr Parnell is trying to link this. If you are opposed to all development, if you want zero population growth and if you cannot win the debate on its merits, of course you will use proxy arguments, and that is exactly what he is trying to do here: raise spurious issues rather than being up-front and saying, 'Look, I want to stop all development and we should not have any development at all.' Of course he will try to use these sorts of arguments, as he has done in the media with respect to a number of developments.

I made a statement at length last week in which I addressed most of the issues in relation to Mount Barker. Let me make quite clear that, when we first announced that we were going ahead with the 30-year Plan, the decision was already made in relation to Mount Barker. It was one of the areas, along with a number of others, we requested the consultants to look at.

I reiterate the point I made last week: ultimately, the decisions in relation to where growth should be are government decisions. We employ consultants because they have the expertise in that area. As they are out there working for local government and for private developers, they have the expertise in relation to development issues.

Given the volume of work we need to undertake in the 30-year Plan, it is beyond the ordinary day-to-day resources of the Department of Planning and Local Government. Clearly, we have sufficient resources in that department, and we have added to them in recent years, and the merger with the Office of Local Government assisted in that.

Although the department can adequately deal with day-to-day departmental issues, particularly regulatory issues, in relation to a major new exercise, where we are looking at 30 years of growth, we decided to undertake it with consultants, and there was a range of consultants. There were three companies consultants, and each, including the successful one, had expertise in all the relevant areas.

The report of the growth area investigation was input into the plan which was headed by the lead reviewer, Jennifer Westacott from KPMG, who is a former head of planning in New South Wales and who, I might say, has been a very valuable member of the planning and development review committee, which was the forerunner to this. In relation to Mount Barker, the head of the developer consortium, and the one that the government has addressed, is Mr Dean Day. I think seven developers, including several of the largest builders in this state are involved.

I think the honourable member needs to understand that, whenever you have an urban growth boundary, one of the difficulties is that, unless the land within that boundary is owned by government through an agency, such as the Land Management Corporation, you really have little control over when that land might be released.

What we have seen in places with urban growth boundaries is that you can sometimes get congestion in terms of release of the land within the urban growth boundary. If you have individuals with landholdings, it is in their interest to sit on that land because, once there is a finite boundary, if land is not being released, the price will go up.

So, whereas the principal objective of urban growth boundaries is to contain development, as a side effect they can have the counterintuitive impact of driving up land prices within the boundary because, of course, if a commodity is in short supply due to government regulation through a boundary its price will rise. When governments can release land through the Land Management Corporation or other bodies, they can ensure that land prices are held affordable.

However, when you have a situation where the land the government is able to influence dries up and the remaining land is in private hands, that can lead to unaffordable housing. That is why it is important that we do what we can, and that is why developers are important in terms of ensuring that we do get development, because it is in the interests of developers to provide that land. If the land is not in government hands, who else will provide that land? To a very limited extent, individuals who might own a block of land may contract a builder to build on it, but the vast majority of housing is built by development groups. Of course, if they do not have access to land and lead the process in relation to zoning, we will get unaffordable housing.

It is interesting that just today the Victorian planning minister, my counterpart Justin Madden, announced a very big increase in the land within Melbourne's growth boundary for that reason, too, because obviously Melbourne has the same problem of keeping its housing affordable. That is why, in relation to these expansions, developers have a part to play. The Hon. Mr Parnell seems to be suggesting that, when developers come up and say, 'We're proposing to use this land for housing,' there is something bad about that. I would suggest that, if that did not happen, as can be the case in some parts within the urban growth boundary where land is tightly held and not made available, the consequence would be spiralling land prices, which is not in the interests of this state.

In various parts of the current urban growth boundary, most of the housing is built by developers or a consortium of developers. We have about half a dozen major ones in this state and, if my memory serves me correctly, in Mount Barker it was seven of those who approached me. The important thing is that the decision concerning the land that will be released will ultimately be decided by the government, in consultation with the local council for that area, and that will be based on planning concerns as to what is the appropriate mix or use of land within that area, in accordance with all of the government principles.

I am not sure that there is much more I can say. The honourable member has raised this issue on radio and I have addressed it on radio. In relation to the issue the honourable member has raised, I received a letter just today from Stephen Holmes, the Director of Connor Holmes, and perhaps I should read it into the record because it does address many of these issues. The letter states:

Dear Minister

Growth Investigation Areas and 30 year plan

I am writing in response to comments made in Parliament on 3 June 2009 by the Hon M Parnell MLC to reassure you that this firm has at all times acted with probity and transparency.

As you are aware, the decision of your department to retain Connor Holmes to provide advice in relation to the Growth Investigation Areas and (via KPMG) the 30 Year Plan projects was taken following a competitive tender process. The involvement of this firm in a large number of major urban development areas and projects on behalf of a range of clients (including the Government itself via the LMC) was clearly disclosed and understood throughout this tender process. Indeed, at the time it was seen as a major strength of this firm. The final decision was authorised by the State Procurement Board, providing an independent high-level probity check.

Mr Parnell appears to believe that our dual involvement in many development areas constitutes, prima facie, an insurmountable conflict of interest. The State Procurement Board clearly does not agree with this assertion. In any event, Mr Parnell's position would lead to one of two potential outcomes—neither of which are either logical or tenable.

The first option would be to preclude the Government from retaining any consultant or adviser with any previous or current involvement in any areas subject to growth consideration anywhere in the Greater Adelaide region. This would disqualify from selection all of the planning firms in this State with the capacity to undertake the work, and would prevent the Government from obtaining the highest quality planning advice.

The second option would be to require that any consulting firm retained by Government terminate its relationship with any clients having an interest in any land being considered for growth anywhere in the Greater

Adelaide region. This would undermine the financial success of the firm retained, and would be unacceptable to any large and successful planning consultancy. In this context, the course of action taken by your department, that is, requiring disclosure of any potential conflicts of interest so they can be taken into account in the selection process and in the management of any subsequent contract, is clearly the only tenable course of action.

The illogicality of Mr Parnell's position is compounded by the inaccuracy of his comments, which are incorrect on several points:

- Connor Holmes did not table an extract of the plan for Greater Adelaide in a submission to the Light Regional Council, as alleged by Mr Parnell. Indeed, that would have been impossible as the document did not exist, even in preliminary draft form, at the time alleged by Mr Parnell.
- We did table and refer to an extract from the published and released document 'Directions for Creating a New Plan for Greater Adelaide' in a submission to Light Regional Council on 19 February 2009. Unfortunately, the source of this extract was incorrectly attributed in the minutes of the council meeting. The error has subsequently been acknowledged by council staff, and the records corrected accordingly. At no time have we disclosed to third parties drafts or working papers associated with either the GIA or 30 Year Plan projects.
- During the period of our commission Connor Holmes did not actively lobby either your department or you as minister to seek rezoning of land as implied by Mr Parnell. While we made several representations to councils on behalf of clients, we have fulfilled the commitment we made to your department not to make representations to you or to DPLG until we had submitted our report in relation to the GIA project.
- Our disclosure of involvement was not intended to eliminate any perceived or actual conflict of interest, as Mr Parnell seems to believe. Rather, its purpose was to place the risk of perceived conflict on the record so that it could be considered by your department in their assessment of our final advice and their provision of advice to you.
- Mr Parnell seems to believe that your department is either unwilling or unable to provide you with independent advice in relation to our recommendations. This is demonstrably false and, as you are aware, there are a number of areas where the department's advice to you is contrary to our recommendation.

In conclusion, it is our view that the comments of Mr Parnell are either incorrect or illogical. We are confident that we have at all times acted with integrity and probity and have provided you and your department with quality planning advice. I trust these comments will be of assistance to you in the event the matter is raised again in parliament.

I think that addresses all issues raised by the honourable member.

ADELAIDE HILLS HOUSING

The Hon. M. PARNELL (15:03): By way of supplementary question, it does not. Who are the seven members of the consortium that is behind the Mount Barker DPA, and is Connor Holmes one of those seven?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:03): Connor Holmes is a planning consultant. It is not, I understand, one of the builders. It is a planning consultancy and acts for developers and is not a developer, as I understand it, in its own right. I indicated earlier that the person we contacted was Mr Dean Day from his company, but I think there were seven. I will take that part of the question on notice and provide an answer for the honourable member quite quickly.

RACING INDUSTRY

The Hon. T.J. STEPHENS (15:03): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Racing, a question about thoroughbred racing.

Leave granted.

The Hon. T.J. STEPHENS: In the latest state budget, regrettably we have seen the government withdraw funding for the promotion of thoroughbred racing in this state. The industry had expected to receive over $2 million from the state government in financial support over the next four years, but it has now disappeared in a move that has devastated an already struggling South Australian racing industry. My questions are:

1. Does the racing minister and this government acknowledge that this is the last thing a struggling racing industry needs at this time?

2. What will he do to reinstate these much needed funds?

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) (15:04): I will refer the honourable member's important question to the relevant minister in another place and bring back a reply.

WOMEN AND CHILDREN, SAFETY

The Hon. I.K. HUNTER (15:05): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the state government's commitment to ensuring the safety of Australian women and children.

Leave granted.

The Hon. R.D. Lawson interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter has leave, not the Hon. Mr Lawson.

The Hon. I.K. HUNTER: Like the federal government, the state government is committed to ensuring the safety of Australian women and children now and for future generations. Will the minister provide information on programs that are aimed at reducing violence against women and children?

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) (15:05): I am very pleased to say that last week I was invited to the launch of the evaluation of South Australia's Keeping Safe program, which was jointly launched by the Minister for Education and Children's Services (Hon. Jane Lomax-Smith) and the federal Minister for the Status of Women (Hon. Tanya Plibersek).

South Australia's Keeping Safe program addresses the issues of protective behaviours and child protection education for all children and young people in the broader context of respectful relationships. The program has been recognised as a best practice model and is most impressive. We were able to sit in on part of the specific lessons for children, and they dealt with things such as issues of personal space and being made to feel aware of feelings of discomfort about breaching one's sense of personal space as a warning sign. They were quite amazing things. Unfortunately, they are not the sorts of lessons that were available in our classrooms when we were at school.

The National Council to Reduce Violence against Women and their Children is charged with national action to help Australian women live free of violence and within respectful relationships and safe communities. The council has produced *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-21*. South Australia made a significant contribution to this work through Ms Vanessa Swan, Director of Yarrow Place Rape and Sexual Assault Service, who was the representative from South Australia. She did a most amazing job, and I thank her for her very important contribution.

Through its new Respectful Relationships program, the Australian government is investing $9.1 million over five years to test and evaluate best practice respectful relationships education programs with school-aged young people across the country, and it aims to educate and provide skills to young people to build and maintain respectful relationships for life. Its purpose in funding an evaluation of the DECS Keeping Safe child protection curriculum is to test a small number of respectful relationship violence prevention education programs to see whether they work in a range of environments, to grow the capacity of those environments to run their own successful programs and then to evaluate those programs. This has been done with a view to rolling out the Keeping Safe child protection curriculum to other states and territories. So, South Australia should be very proud of the program that we have established here.

The report also complements the work of the Office for Women and the Women's Safety Strategy. Key initiatives currently being undertaken through the Women's Safety Strategy include family safety frameworks (which we have talked about before in this place), reform of rape and sexual assault and domestic violence legislation and, of course, the development of a community awareness campaign. Again, that is also based on respectful relationships and focused, in particular, on young adults and teenagers.

Violence against women requires a range of responses, and the prevention of violence against women and children requires strong leadership and the commitment of both government and the community. The South Australian government is committed to ensuring the safety of all

women and children and, through the Women's Safety Strategy, we are taking a comprehensive and coordinated approach and providing that leadership.

STANSBURY MARINA

The Hon. R.L. BROKENSHIRE (15:09): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the proposed seabed reclamation development at Stansbury.

Leave granted.

The Hon. R.L. BROKENSHIRE: Mr President, you and honourable members would be aware from media reports and debate in this chamber that a developer proposes to dump landfill into the seabed at Stansbury, on Yorke Peninsula, to provide 200 housing allotments out on the ocean. While balanced, controlled and managed developments are supported by Family First, on this occasion there are some issues to be raised. There are 68 berths for boats proposed for the site, yet it is called a 'marina' development—not enough berths for allotments, by my maths.

I have been contacted by the committee that formed in response to this incredible development. Trevor Carbins, representing the committee, states in his recent letter to me:

> Why destroy the very thing that pulls locals and visitors to this delightful town of Stansbury for housing when we have so much land available for any housing development project?

Indeed, Mr Carbins points out that 80 allotments have been sold on a cliff overlooking where the development is proposed to occur and, no doubt, those purchasers did not comprehend when buying that they would be overlooking housing and not ocean. The committee also tells me the following:

- The Stansbury population is approximately 550 people and swells to over 2,000 people in peak periods.
- A poll of locals in 2007 revealed that 99 per cent of them did not support this particular development, while they were not opposed to general development.
- Now there are over 2,000 petitions against the development.

The Oyster Bay Preservation Committee is seeking what is known as an 'early no' from the Governor, issued during the EIS process. An EIS has been outstanding from the developer for over 18 months. The minister may ask the Governor to issue that 'early no' at any stage of the process, as I understand. An 'early no' can be granted if it is clear that the development is inappropriate or cannot be managed properly.

Finally, the capacity clearly exists for an 'early no' to be issued, since it has been used in the past; for instance, in the early stages of the Buckland Park development. Therefore, my questions to the minister are:

1. What was so special or different about the Buckland Park development to merit an 'early no' in that case but not in relation to this case?

2. Why has the minister not yet recommended to the Governor that an 'early no' be issued?

3. In light of the significant community, environmental, indigenous, heritage and other concerns, will the minister now make a recommendation to the Governor to issue an 'early no' in relation to this development?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:11): In relation to the second question, the answer really is: is natural justice for a proponent? What happened in relation to Stansbury was that a proposal was put to the government to meet the need that exists within the community for marina-type development for the tying up of boats and the like, and we agreed to consider it as a major project.

Obviously, with any project of this nature there are significant environmental issues. As with all major projects, when they are declared, it is always on the understanding that it does not imply that that project will ultimately be given approval. Rather, it is a process by which the issues connected with that project can be adequately aired.

In relation to the Stansbury marina, it is clear that since that process started a number of issues have arisen as a result of the major project being declared and the discussion on it. Indeed, that is exactly why we have major project status: so that there can be a proper environmental impact statement or appropriate level of environmental assessment; and it gives the community an opportunity to consider the issues. If this project had been considered through a development plan amendment or something of that sort, of course that would not have been the case.

In relation to any marina, I believe the major development process under section 46 of the Development Act should be sufficient. In relation to the Stansbury marina, as I said, there have been a number of issues that have come up, and I am not surprised that, as a result, there is increasing concern.

On 30 April, I wrote to the proponent of this proposal, Mr Satish Gupta of the Stansbury Marina Development Company, in the following terms:

Dear Mr Gupta,

Thank you for your letter dated 29 December 2008 outlining possible changes to the proposed Stansbury marina development. As you are aware, the Department of Planning and Local Government...required further information from the Department for Transport, Energy and Infrastructure...regarding the proximity to the jetty, hence the delay in a formal response to you. It is now approximately two years since the original major development declaration was made and nearly 18 months since Guidelines for an Environmental Impact Assessment...were issued by the Development Assessment Commission....The government and community are interested in seeing progress with the project.

While I understand your company's proposal to increase the housing component of the project and to move it further north, I do not consider it appropriate to vary the declaration in the absence of supporting information. Accordingly, I expect to see, within three months of this letter—

the letter being dated 30 April, it will be by the end of July—

a draft EIS for my consideration. I will not consider a variation under section 47 of the Development Act...until I have sighted a draft EIS.

So, the proponent had sought to vary it. As I said, I thought that was inappropriate given the time that it has taken. In accordance with affording natural justice to the proponent, I have given him the opportunity to put up an EIS so that the issues can be considered by 31 July, otherwise the sorts of alternatives that the honourable member referred to in his question become a possibility.

STANSBURY MARINA

The Hon. M. PARNELL (15:15): I have a supplementary question. If an EIS is not produced by the end of July, would you recommend to the Governor that the project be refused?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:16): It is never wise to answer hypothetical questions. I think I indicated by the tenor of my answer what the government's thinking was, but obviously one needs to give natural justice to proponents. If they can come up with some reason, it needs to be considered on its merits. So, I will consider on its merits, as I should, whatever response the company has but, given the time that has elapsed, it really is time to either put up or shut up in relation to the project.

MINERAL EXPLORATION

The Hon. C.V. SCHAEFER (15:16): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mining exploration.

Leave granted.

The Hon. C.V. SCHAEFER: Complaints have been received by my colleagues in another place that the South Australian Chamber of Mines and Energy (SACOME) and the South Australian government Resources and Energy Sector Infrastructure Council (RESIC) wield a disproportionate amount of influence on decisions made by the government. Can the minister outline what funding is provided to these two organisations and what it is used for? Is any money provided to smaller independent exploration companies? If so, how much, and what percentage is it of total funding?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:17): SACOME represents all the major mining companies in this state.

The Hon. C.V. Schaefer interjecting:

The Hon. P. HOLLOWAY: Yes; which is the large majority, I would have thought, of the industry. So, as with any peak industry body, I meet with SACOME on a quarterly basis. I respect its input, because it is the peak body for the industry. Whether or not members choose to join the peak body, obviously that is a decision for them. RESIC is a body that was established under the auspices of government. It is essentially a private sector body involving major resource companies within the state. Its role is to advise government, particularly on infrastructure needs and the broader needs of the industry.

The Hon. C.V. Schaefer: How much money do they get?

The Hon. P. HOLLOWAY: Well, not a great deal. RESIC is essentially an advisory body for government, but it plays a very important role. Yesterday we had a question from the Leader of the Opposition in relation to Port Bonython and the issue of exporting our commodities. As a representative of all the major mining companies within this state, RESIC is clearly a very important body that coordinates all the views of industry in relation to particular infrastructure issues, such as an export port.

Obviously the government pays close heed to advice that it gets from those two bodies, because they represent by far the bulk of the industry in this state. In relation to particular applications for funding under PACE, for example, they are considered on their merits by a different group within the department. Clearly, we believe in giving smaller exploration companies equal opportunity for those sorts of funds. Indeed, if you look at the funds given under the PACE program, I think by far most of the money goes to small explorers, because greenfield exploration, or exploration in new areas, is very much the province of small exploration companies. Larger companies tend to buy into projects once they have been discovered, and the cutting edge, high risk exploration tends to be undertaken by small companies. Indeed, some of the big discoveries in this state, such as Prominent Hill and others like Carrapateena, were made by small companies, all using data provided by the government—and in some cases, like Carrapateena, with RMG services funded by the PACE program.

Whereas RESIC and SACOME are very important bodies from the government's point of view in relation to getting advice on broader industry issues—and I meet with them regularly and consider their advice in relation to mining more generally—we recognise that small explorers are the heart of the industry. Unfortunately, at present, and as I indicated in answer to a question yesterday, because of the global financial crisis it is those smaller companies that will suffer the most in terms of finance, and that is why we have seen a dip in exploration expenditure at this time.

SURF LIFE SAVING SOUTH AUSTRALIA

The Hon. CARMEL ZOLLO (15:21): My question is to the Minister for Urban Development and Planning. Will the minister please explain what efforts the government is making to support Surf Life Saving SA?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:21): Surf Life Saving SA is a highly valued community organisation which is the key agency for beach safety in South Australia and which provides a vital role in building healthy communities through physical activity, youth development, training and education.

In 2004, Surf Life Saving SA moved from its West Lakes site to its current premises at Torrensville. This was only ever considered to be an interim move, and since then a number of factors, such as tremendous growth in membership numbers of 5.42 per cent in 2007 alone, have resulted in the organisation outgrowing these premises. Ongoing financial support from the state government for operational funding, and a $10 million grant from the federal government to establish the National Lifesaving Academy, which includes a centre of excellence in each state, has led to SLSSA outgrowing the Torrensville building.

With this in mind, in the 2009-10 budget the Rann Labor government provided $1.1 million in funding for new emergency services facilities for Surf Life Saving SA. After years of operating from cramped and inadequate premises, Surf Life Saving SA has finally found a new home at Adelaide Shores at West Beach. Adelaide Shores has approved the development on land near the corner of Military and Barcoo roads, and it will provide ongoing financial support to this important community service.

With vital government assistance, SLSSA will construct a modern and visually appealing new building, Surf Central, to house its headquarters. Surf Central will also provide a base for emergency craft and radio communications as well as training and administration facilities as part of stage 2 of the development. Surf Central will be highly complementary to the boating precinct at Adelaide Shores, which already includes the South Australian Sea Rescue Squadron facility. The building will be designed to minimise environmental impact, in accordance with the stringent environmental principles of the state government, SLSSA and Adelaide Shores, and the development will contribute to Adelaide Shores' ongoing commitment to provide a safe and active holiday and recreation destination for South Australians and tourists alike.

The Surf Central building is an excellent example of South Australian government agencies working together for the benefit of all South Australians. The development was identified as an opportunity through the master planning process for the Adelaide Shores boating precinct. In terms of benefit to SLSSA, the Surf Central development resolves all the housing and facility inadequacies faced by the society; it also reduces costs, creates operational efficiencies, and ensures that Surf Life Saving South Australia complies with building codes.

Along with the tremendous benefits to Surf Life Saving SA, the establishment of Surf Central at Adelaide Shores is expected to add to the vibrancy and viability of the boating precinct by attracting additional people to the area. Commercial, semi-commercial and community organisations already based at West Beach such as the Adelaide Sailing Club and the South Australian Sea Rescue Squadron will also benefit from increased exposure and additional trade for commercial services such as restaurant and function facilities. As the minister responsible for Adelaide Shores, I am very pleased that my colleague the Minister for Recreation, Sport and Racing was successful in providing this significant grant to Surf Live Saving SA so that it can construct this new facility at West Beach.

ANSWERS TO QUESTIONS

MAIN NORTH ROAD

In reply to the **Hon. C.V. SCHAEFER** (11 November 2008).

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:

The Department for Transport, Energy and Infrastructure undertakes road safety audits on the design of all overtaking lanes.

MAIN NORTH ROAD, EVANSTON PARK

In reply to the **Hon. J.S.L. DAWKINS** (29 October 2008).

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. The acceleration lane for traffic turning right from Kreig Road onto Main North Road will not be reinstated.

2. The previous acceleration lane and merge area for motorists turning right from Kreig Road onto Main North Road was replaced with a more conventional painted median scheme in accordance with the recommendations of the 'Main North Road/Adelaide Road—Gawler Road Management Plan'. The distance from Krieg Road, to the southern entrance of the Bulky Goods Development is insufficient to meet the Department for Transport, Energy and Infrastructure design standards for an acceleration lane.

PENOLA BYPASS

In reply to the **Hon. M. PARNELL** (30 October 2008).

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. The State Government's funding contribution to the project is $9 million.

2. The State Government's contribution is not contingent on matching Federal funding.

3. The premise on which the question is asked is incorrect. Construction of a full bypass alignment will remove from the main street all Riddoch Highway traffic that does not have a destination in Penola. The southern section using state funds will be undertaken as a first stage. This first stage alone will divert the expected 200-300 truck movements from the harvest of the blue gum plantations to the west of Penola away from the main street.

CORRECTIONAL SERVICES OFFICERS

In reply to the **Hon. J.M.A. LENSINK** (18 February 2009).

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 Correctional Services is advised:

During question time, the former Minister undertook to investigate a claim relating to correctional officer equipment. The following information has been provided:

Over the past 18 months the Department for Correctional Services has recruited record numbers of Trainee Correctional Officers all of whom have been required to undertake extensive training. During the training course, Trainee Officers are provided with all the standard equipment necessary to carry out their role as a Custodial Officer. This equipment includes uniform, belt, shoes, hat and radio pouch.

Other items of equipment, including radios, duress alarms, handcuffs and keys are issued to staff on a daily basis to enable them to satisfy the responsibilities of their position. For security reasons none of these items are assigned as personal issue nor are they allowed to leave the prison.

In mid 2008 the Department became aware that further supplies of some general issue equipment (handcuffs, keys, radios, duress alarms) were required. The Department remedied the issue without delay and also conducted a state wide review of equipment to confirm with General Managers that all prisons had sufficient equipment.

All subsequent requests by General Managers were met and this was confirmed at various Central Consultative Committee meetings with the PSA, who had raised the issue.

It is not viable, nor is it necessary, to have an unlimited number of key bunches, radios, handcuffs and duress alarms (they are coded to an area rather than a person) available. Every officer who is rostered to a particular post has all of the equipment he or she needs. If a Trainee Officer is also rostered to that post, they may not have a radio or key bunch but they are always accompanied by an officer who has the equipment. This practice is consistent with standard practice throughout corrections. The principle being that whilst you are a trainee, you work with an experienced fully equipped member of staff.

A process has now been initiated that ensures all increases in prisoner and staffing numbers automatically triggers a review of equipment for that site, to ensure there is sufficient equipment to effectively manage the prison.

I also note that the Honourable Member has made a linkage in her question to the Department's assault statistics. I am advised that there is no nexus between the issuing of equipment and assaults on staff. I am further advised that there has not been a single incident where an officer's safety was compromised because they did not have all equipment.

I am assured that assault rates over the past three years have remained relatively consistent when considering increased prisoner numbers, changes in the way that assault data is collected by the Department and improved reporting and recording systems.

MATTERS OF INTEREST

LIBERAL PARTY

The Hon. R.P. WORTLEY (15:25): I would like to speak about a matter of urgency, and it is probably one of the most important issues facing our democracy for many years. As we all know,

a strong democracy not only requires a strong government (which the Labor government is providing) but it also needs a strong opposition, something which has been lacking in this state for over seven years. I was horrified to hear on Friday at a luncheon that the Treasurer of the Liberal Party, Mr Ingerson, in a very grovelling, demeaning speech advised the audience that they were financially crippled and bordering upon bankruptcy. What the Liberals are now finding is that organisations and companies do not donate to parties that are not seen as viable, alternate governments. They do not donate to opposition parties that have no vision, no strategic plan and no goals.

Mr Ingerson, in a very begging way, then asked the audience and the companies to donate $2 million to help put the Liberals on a sound financial footing. The Labor Party knows from when it was in opposition how hard it is to raise money. I mean, we have all been to many sausage sizzles and bought many a ticket in a chook raffle. However, when we were in opposition in the 1990s, we understood what was required to get back into government. There were two choices: first, to become a proper alternative government; and, secondly, to raise money—and it is very difficult to raise money. Unfortunately, the Liberal Party is unable to prove that it is an alternative government, so its only option is to go out begging for money.

We on this side of the chamber understand the importance of having a viable opposition. It is important for a democracy; it keeps us on our toes. Sadly, this has been lacking in this state for many years. We want to help the opposition. We are here to help. Members on this side of the chamber have scoured the countryside looking for the appropriate size begging bowl required to collect $2 million. Both Mr Ingerson and Martin Hamilton-Smith (from another place) need to put an appropriate size begging bowl on each side of Rundle Mall, and they will be inundated very quickly with $1 and $2 coins. It will not take long for the punters to understand that they could probably throw a $2 coin from 10 metres, and they could even start up something like quoits to raise that amount.

On this side of the chamber, we have purchased an appropriate bowl which we will present to the Leader of the Opposition in this chamber. It very kindly asks for generous donations. It also has a little barometer inside which will show them when it gets close to $2 million. We will present that after my speech—

The PRESIDENT: Members should not be encouraged to bring things with writing on them into the chamber.

The Hon. R.P. WORTLEY: It is such a serious situation in this state that the opposition is in such a shambles, especially after the incidents of yesterday. I understand that the phones are ringing, meetings are occurring in the back rooms and the corridors. The other day, I noticed the Hon. Mr Lucas and the Hon. Mr Evans from another place discussing tactics. The smart money and centre bet is that Mitch Williams will be the person leading the party after the winter break, narrowly beating Isobel Redmond for the position. So, they are now prepared to dump the Chapmans and the Evanses, those whose families have been feuding for generations, for new blood leading up to the next election.

I hope that there is a smooth transition and that there is no blood on the floor because this state deserves an opposition that is fully focused on the job—something we have not seen in this chamber for many years. We wish you good luck. Hopefully, this begging bowl will help you achieve your financial aims. I thank you, Mr President, for your indulgence.

LABOR PARTY

The Hon. R.I. LUCAS (15:30): I want to talk about a major factional brawl within the Labor Party at the moment in relation to the Legislative Council preselection. Mr President, as you would well know, based on seniority the four sitting members would be endorsed: minister Holloway, if he goes on (although he will be 60 in August and would be almost 70 at the end of his next term), minister Gago, and the Government Whip, the Hon. Mr Gazzola. The fourth member is the junior member, the Hon. Mr Finnigan, who is only a recent addition to the Labor Party ranks.

We are told that the Hon. Mr Finnigan is saying to all and sundry that he is not happy and will not accept the fourth position on the Legislative Council ticket. He is telling everybody that he is going to shaft the Government Whip, the Hon. Mr Gazzola, and that there is no way in the world he will accept the No. 4 position. He is insisting that, because of the arrogance of the numbers on the right, he wants to shaft the Hon. Mr Gazzola and take his position.

The Hon. Mr Finnigan is also telling everybody that, if he is successful in shafting the Hon. Mr Gazzola and putting him down to No. 4 on the ticket, if the government is re-elected he intends to shaft you, Mr President, and become the President of the Legislative Council. He is stamping the corridors, holding onto his copy of standing orders (which he has nicely annotated so that he can remember them when he attends committees and other meetings), and, rather bizarrely, being supported by the Hon. Mr Wortley to help shaft the Hon. Mr Gazzola.

A bitter factional dispute is going on in the party in the Legislative Council at the moment. Of course, the only hope for the Hon. Mr Gazzola, as you would well know, Mr President, is if the left manages to gain the support of a few unaligned unions within the convention to try to eke out the numbers on the left to try to roll the Hon. Mr Finnigan.

The Hon. Mr Finnigan, the Hon. Mr Wortley and the other factional powerbrokers (not that I would refer to the Hon. Mr Wortley as a factional powerbroker; he is merely a humble foot soldier, a pawn who is occasionally trotted out to do some tasks on behalf of the faction) are saying that they have the numbers and will first roll the Hon. Mr Gazzola and that, should they be re-elected—sadly, from your viewpoint, Mr President—they intend to roll you, and you will not be the President.

The second issue I raise is in relation to the member for West Torrens (I have referred before to this gentleman as the Welcher from the West) and a significant unpaid gambling debt. In recent months, in the various revelations about his traffic and speeding offences, I note that he is indeed a serial offender in regard to unpaid debts.

We have heard of significant unpaid traffic offences amounting to many hundreds of dollars, and perhaps on another occasion we can go through the detail of some of those. We have also heard reference to a series of other statements. We understand that there was a judgment debt of $7,509 against Mr Koutsantonis for moneys owing to AGC.

The record shows that a warrant for sale was issued in March 2003 and that a payment was subsequently made to AGC. The Sheriff was directed 'to sell such of the real and personal property of the defendant as are within the state of South Australia to satisfy the above total owing plus interest'. Mr Koutsantonis said that this case related to a dispute about a loan he took out and did not have anything to do with his traffic offences.

Further evidence in relation to the Courts Administration Authority reveals that on 24 October an order to issue a warrant of arrest was issued in the case of Modbury Press Proprietary Limited v Tom Koutsantonis for a judgment debt of $3,887. Mr Koutsantonis's defence was that that was an entirely personal legal matter and does not bear on his duties as an MP or a minister and that it related to a dispute in 2002 over a printing contract agency.

As I have said, this gentleman is a serial offender. Not only does he have this significant unpaid gambling debt he owes to me but we now see from his record that he had significant unpaid fines for traffic and speeding offences and a number of specific unpaid debts in relation to a number of financial transactions he had with other companies.

Time expired.

DOWN SYNDROME SOCIETY OF SOUTH AUSTRALIA

The Hon. J.M. GAZZOLA (15:36): I certainly will not engage in the sort of backbiting that has been going on; I want to talk about something that is much more important. We recently celebrated the Queen's Birthday Awards, but today I want to bring to the council's attention the unsung work of non-government charitable organisations, such as the Down Syndrome Society of South Australia. Because societies like the Down Syndrome Society of South Australia go quietly and efficiently about their task, we often do not realise the dedicated, valuable and important assistance they offer to families and individuals—and I use the term 'assistance' advisedly, because the Down Syndrome Society offers something much more important than assistance.

The society states, and works towards the ideal, that intellectual and physical disability and difference is no impediment to the dignity, wellbeing and independence of an individual. I add that society in general must work continually to support and uphold the rights of those people living with Down syndrome, as reflected by the efforts of NGOs, sponsors and the community groups dedicated to enriching their lives.

In caring and advocating for the rights and interests of these individuals, the society offers a broad range of educational, vocational, employment and recreational services, to name a few. However, before I talk about some of the services, I want to talk about some aspects of the society

itself. The society was formed in 1974 by a group of concerned parents and was initially called Down's Children Incorporated. Down syndrome affects about one in 660 children, occurring more often than any other intellectual disability.

As we can readily appreciate, NGOs and disability sectors are facing a difficult funding environment as they meet increasing demand for their services. Financial assistance for the society's activities is supplemented by funding from federal and state departments, generous support from community groups and services and from individual donations. Donations and fundraising activities are, of course, the never-ending stock in trade of financial survival for the society.

As we can appreciate, given the broad range of necessary services offered, making ends meet is never easy for the 500 clients and families who rely on the society's services. Helping in this regard are honorary services offered in the professional disciplines of speech pathology, paediatrics, educational and legal services. It would be remiss of me not to mention the society's appreciation for the great help provided by volunteers, as was also recognised by the recently celebrated Volunteers Week for volunteers in general.

Developing self-esteem and confidence in clients is not just about the three Rs and social skills training but is also about learning through fun. Personal development and how to appropriately, positively and confidently get on with others comes together in Club Slick, a program unique to South Australia and hosted by the Down Syndrome Society of South Australia, where disabled people from across the state rock and roll to promote leisure, learning and fun. The best testimonials to its success are from its public outings, and I will quote from media reports, as follows:

The positive effect Club Slick is having upon people with disability and their families was highlighted when ABC TV's *Stateline* visited the club...

Another media quote states:

...young people with Down syndrome rock and roll their way into the hearts of a captive audience at the 8th world conference held in Singapore.

And there is more. This brings us to the next world conference, the 10th World Down Syndrome Congress, to be held in Dublin in August this year. The world congress is held every three to four years, continuing a movement that began in Mexico 23 years ago. Following on from its success at the 2004 and 2006 world congresses, Club Slick has also been invited to perform at the 2009 congress.

In closing, I wish the society, its administration team led by President Judy Opolski, the executive committee, all staff, consultants, sponsors and Club Slick all the best. Do not forget that all help and donations are gratefully received in helping others live the life we often take for granted.

FRIENDS OF THE WOMEN'S AND CHILDREN'S HOSPITAL AUXILIARIES DIVISION CONFERENCE

The Hon. J.S.L. DAWKINS (15:40): On 27 April this year I was pleased to be invited to open the Friends of the Women's and Children's Hospital Auxiliaries Division Conference for region 4, which encompasses the Barossa Valley and the Mid North. That conference was held in Gawler, and the region includes the branches at Hamley Bridge, Tarlee, Stockport, Greenock, Balaklava and districts, Mallala and Gawler, as well as the Williamstown and Barossa Valley liaison groups.

There are 45 auxiliaries in South Australia and Alice Springs, and these groups work in their communities to raise funds and to raise the hospitals' profile, particularly in country areas. In the 2007-08 financial year the auxiliaries division donated over $180,175 to the Women's and Children's Hospital. These groups also have a strong health promotion focus through the Friends Promoting Good Health program. Auxiliary liaison groups continue to fundraise in their capacity with a contact person, although annual general meetings and ordinary meetings are no longer held.

With regard to the other regions: region 1 encompasses the Adelaide suburbs, Hills and South Coast, with six auxiliary branches in that area; region 5 incorporates the Murray Mallee, where there are six branches; region 6 has five branches, taking in the Riverland region of the state; region 7, in the South-East, has two branches; region 8, in the northern area, has four branches; region 10, comprising the north-west district, also has four branches; region 11, on Eyre Peninsula, has five branches, as well as two liaison groups; region 12, taking in Yorke Peninsula, has eight branches; and region 15, in the Northern Territory, is based around Alice Springs.

In addition, there is what is known as the shops auxiliary, which was formed about 48 years ago, and 150 members of this auxiliary manage and staff the two Women's and Children's Hospital shops, which provide an essential service for patients, their families and staff. In 2007-08 the members gave 28,500 hours of service and donated a record $375,000. Further monetary value is added to the hours of service worked of $570,000.

I commend all the auxiliary volunteers. Through the State President, Kaye Steer, and the co-ordinator of the auxiliaries, Sonia Davies, I commend them for the work that has been going on in the 51 years since the auxiliaries were established. The Liberal Party has announced that it will investigate future options for the Women's and Children's Hospital following the Rann government's continued failure to allocate much needed funding for capital work at the site. Options for rebuilding the hospital at a different location, including next to the Liberals' renewed Royal Adelaide Hospital, will be explored on top of an on-site rebuild. The 2009-10 state budget delivered on 4 June was the Rann government's eighth opportunity to pour much needed capital funding into the Women's and Children's Hospital, but again the government failed to do that.

The recent and current upgrades of the hospital have been paid for by the federal government and charities such as the Women's and Children's Hospital Foundation and the McGuinness McDermott Foundation, with very little coming out of state government coffers. The role of the auxiliaries in supporting the Women's and Children's Hospital should never be understated, and I wish them all the best in their future work for that facility.

Time expired.

LIBERAL PARTY

The Hon. B.V. FINNIGAN (15:45): I wish to raise before the Legislative Council today a matter to which my honourable colleague has alluded: the call by the opposition for $2 million in funds to assist it to fight the next election. On 11 June, there was a lunch that business leaders attended supposedly to hear from the Leader of the Opposition in the other place. So, imagine yourself, a captain of industry, and you have given up your valuable time and money to attend a Liberal Party function.

You know it is a Liberal Party show, fair enough, but you have gone along because you want to hear the man who aspires to be the premier and treasurer of the state in just 10 months. You want to hear what he has to say about what he would do with the state budget. Instead, the principal business of the day is to hear from Graham Ingerson about how the Liberal Party needs $2 million to fight the election. According to a report in *The Advertiser*, Mr Ingerson said that the Liberal Party had established a Future SA Forum, headed by former foreign minister Alexander Downer and former state treasurer Stephen Baker.

What is noteworthy about this is not that the Liberal Party is simply raising money. Of course, all parties do so. However, it clearly smacks of hypocrisy when we constantly hear the smear and innuendo from members opposite in relation to fundraising by the Labor Party. The Hon. Mr Lucas is the master of smear, as we have seen again today. He is a little like some character out of *Heart of Darkness*: he is up the river with a fever and constantly coming out with his innuendo and smears against people. He does that constantly in reference to Labor Party fundraising. The Hon. Mr Lucas is always talking about progressive business and—

The Hon. J.S.L. DAWKINS: Mr President, I rise on a point of order. I think that the Hon. Mr Wortley's use of that bowl in front of him—chucking coins into it—is out of order and you should rule that way.

The PRESIDENT: Order! The Hon. Mr Dawkins has raised a point of order, and I think it is a very good one. I think the Hon. Mr Wortley should take the bowl out of the chamber now.

The Hon. B.V. FINNIGAN: As I was saying, members opposite are always talking about progressive business, asking questions about consultants and lobbyists and suggesting that there is something untoward about the Labor Party's receiving donations, as it does, from businesses—in accordance with the Labor Party code of conduct for fundraising and in accordance with the Australian electoral laws. There is full disclosure but, nonetheless, it is constantly the subject of innuendo and suggestions of something being rotten in the state of Denmark, which come from honourable members opposite. In fact, it has even been suggested that one of the reasons we need an ICAC is that perhaps there is something going on with the ALP receiving donations. That has been advanced by members—

The Hon. J.M.A. Lensink: Hear, hear!

The Hon. B.V. FINNIGAN: 'Hear, hear', the deputy leader of the opposition says. So, when the Labor Party raises money in accordance with its standards and in accordance with Australian electoral laws, maybe there is something corrupt about it. When the Labor Party raises money it is ICAC-able, according to honourable members opposite. However, when the Liberal Party does it, it is a matter of 'roll out the barrel'. Mr Ingerson said at the business lunch, 'We want $250,000 a month from the business community for the next eight months to help the Liberal Party fight the state election.' There is a complete double standard being applied.

Of course, all parties raise money. They do so in accordance with the law. However, it is absolute hypocrisy from members of the Liberal Party when they suggest that there is something illegitimate about Labor Party fundraising, and here they are saying that they are setting up the Future SA Forum to raise $2 million in just eight months. However, that was probably better to listen to than the Hon. Mr Hamilton-Smith's speech and his proposed budget reply, and I will obviously speak more about this in my contribution with respect to the Appropriation Bill. I have the speech downloaded from Mr Hamilton-Smith's website, and members will notice that there is a lot of white space. It is 14 pages but there is a lot of white space and bold, and a couple of pages of capital letters at the end. It reminds me of those documents that you sometimes get from people living in some outback location in Queensland who have ceded from the commonwealth. They put out documents quoting *Magna Carta*, with lots of capital letters and triple underlining. That is the sort of document that this is.

The Hon. R.P. Wortley interjecting:

The Hon. B.V. FINNIGAN: As my honourable friend Mr Wortley interjects, there is no policy apart from saying, 'What I would have done in the past eight years'. Well, we do not live in a parallel universe, and it is time Mr Hamilton-Smith realised that.

ELECTORAL EDUCATION CENTRES

The Hon. DAVID WINDERLICH (15:50): I rise to speak about the funding cuts to electoral education centres in the last federal budget.

Members interjecting:

The Hon. DAVID WINDERLICH: Perhaps we could have that bowl back for electoral education in Australia.

The PRESIDENT: Order, the Hon. Mr Winderlich! The bowl has been ruled out of order.

The Hon. DAVID WINDERLICH: Our leaders clearly do not want an educated citizenry. What else can we conclude from the federal government's decision to cut funding for the Australian Electoral Commission's electoral education centres in the federal budget? Electoral education centres in Adelaide and Melbourne will close and in Perth will have to be self-funding—all this just to save $6.1 million, or 0.0008 cent of the $900 million stimulus bonus package.

Apparently, the gap is supposed to be filled by using the internet and printed materials, and we are promised so-called civic education down the track for an already overloaded curriculum. However, in the meantime, there is a complete void in political education. A relatively recent graduate of our education system tells me that the electoral education centre provided the only formal political education in his entire schooling. Australian Studies, I am told, does not cover this and is Mickey Mouse (or, I should say, Blinky Bill), predominantly focusing on trivial Australian quirks rather than education about the society in which we live. It is known to be, more often than not, a tokenistic attempt at imparting Australiana, or Australianism. Politics as a formal subject is only an option in some schools at senior levels, and now Australian Studies has been cut as a compulsory subject from 2010 and the other great subject for developing political literacy, history, is disappearing en masse from our schools.

By the time that people get to university they are specialising, and only those who study politics or get involved in student politics will gain any detailed knowledge of how they can engage in the formal decision-making processes of our state and our nation. So, we have a bizarre situation where voting is compulsory but knowing how to vote is optional and completely up to individuals to figure out. That is not even to mention the complete disregard our education system has shown for public affairs. We are providing an excellent grounding for donkey voters—a passive, untrained populace, following a dumbing-down media in a race towards the lowest common denominator.

Yet, political literacy could form the basis of an exciting and engaging program in every school and workplace. People are participating on committees and school councils and running sports clubs, so they have a practical sense of democracy at the grass roots. What they lack is any real understanding of the traditions, processes and strategies of parliamentary politics and elections, and that lack of knowledge means they are less able to understand and participate in the decisions that affect them. Their lack of knowledge creates apathy. There are notable exceptions. The recent action to save the Chelsea Cinema, for example, demonstrates an admirable awareness of political tactics and strategy.

The grass roots could be connected to the big picture through a revitalisation of Australian Studies. Introducing a strong politics or civics strand to this subject could be used to focus on local, state and federal elections and governance. This would help create an active, engaged and critical citizenry able to hold governments to account. Perhaps that is why this funding has been cut.

Time expired.

SAME SEX MARRIAGE

The Hon. I.K. HUNTER (15:54): I rise to speak to a matter close to my heart. I want to get married, but I cannot. I cannot get married in my own country. I cannot marry the person I love. Prime Minister Kevin Rudd says he and his government believe that marriage should be maintained as a union between a man and a women. That is his opinion and that is fair enough. Everyone is entitled to an opinion. However, to impose his personal beliefs on the rest of the community is wrong.

Going on from that, the Prime Minister has added that the government might look at partnership registration at some time in the future. I might have accepted that 20 years ago, but times and the issue have moved on. Registration is no longer good enough. I no longer think that it is adequate that I might one day be able to go to the local council and register my partnership as I might register my dog. I want to get married.

Around the world, the fight for marriage equality has been going on, and, around the world, states, courts, communities and parliaments have been rising to the fight. They are deciding that homosexual and heterosexual couples can choose to marry and can be treated exactly the same way. The Netherlands, Belgium, Canada, South Africa, Norway, Sweden and Spain have all legalised same-sex marriage, as have the US states of Massachusetts, Connecticut, Iowa, Maine and Vermont. It looks like New York is pretty close, too, and, of course, there is the ongoing debate in California.

Add to that the list of countries where civil unions are recognised—from the United Kingdom to Luxembourg, and many in between—and we start to realise how completely out of step Australia is beginning to look with those nations that we like to compare ourselves with. It is a sad state of affairs when the nation that pats itself on the back for being the country of a fair go for all denies its citizens this basic right.

It might be that I am out of step with many members here in this chamber, and I might even be out of step with some in my party. I am certainly out of step with Prime Minister Rudd on this issue, but I stand here today to let him and everyone else know that second-best is no longer an option. I am no longer content to accept the crumbs from the table. I am no longer willing to accept a reinforced second-class status. I am no longer prepared to accept the proposition that my married friends' relationships are intrinsically superior to my relationship. I certainly will not accept a proposal that means that my relationship is registered at the local council, or some similar body, because partnership registration is about death and what happens to your estate on your death.

Marriage is about life and how you live your life publicly in a loving relationship with a partner and with our families. I want to get married. Next year will be the 20th anniversary of my not being married to my partner, Leith. I could travel to Massachusetts or South Africa and get married there, but that is not my preferred option. I want to share my marriage with my family and my friends, like we all do.

No-one has been able to provide me with an adequate response as to why marriage should be confined to a man and a woman. The response that this form of traditional marriage should be retained because of biblical tradition does not hold much water for all of us who have no interest in getting married in a church and, last year, that was more than 60 per cent of all heterosexual couples who exchanged vows.

The ability to bear and raise children is another reason often given for standing against gay marriages. I know plenty of gay people who are wonderful parents, and I know plenty of straight couples who do not have children, either through choice or circumstance. So, that does not hold up as much of an argument, either.

As for the sanctity of marriage being threatened by gay marriage, all I can say is this: if your heterosexual marriage is going to be somehow devalued by your homosexual neighbours' marriage, that says more about your relationship than it does about mine—and I am not referring to you directly, sir.

The marriage equality debate is gathering speed around the world yet, once again, Australia finds itself a backwater in this debate. It is time for the community's voice to be raised, calling for marriage equality. I add my voice to that call today, because I want to get married and you, Mr Rudd, are stopping me.

Time expired.

WORKERS REHABILITATION AND COMPENSATION

The Hon. R.D. LAWSON (15:59): I move:

That the regulations under the Workers Rehabilitation and Compensation Act 1986 concerning Claims and Registration—Discontinuance Fee, made on 26 March 2009 and laid on the table of this council on 7 April 2009, be disallowed.

As members will know, the Workers Rehabilitation and Compensation Act, as extensively amended last year, provides a scheme for the compensation and rehabilitation of workers who are injured or incapacitated at work. It is a good scheme. Unfortunately, it has not been managed well in South Australia in recent years. In fact, it has been so badly managed under this government and this minister that last year the unfunded liability of the scheme was headed towards $1 billion, and the act had to be changed in order to get the government off the hook and save the minister's neck. Latest reports suggest, unfortunately, that once again the unfunded liability of the WorkCover Corporation is headed towards $1 billion.

As a result of last year's debacle the act was amended, and a number of new provisions were inserted which deal with many aspects of the scheme. These particular regulations deal with only one particular aspect of the scheme, but it is an important one nonetheless. A new section 76AA was inserted, headed 'Discontinuance fee', and this provides that an employer who ceases to be registered under the act and who seeks to be self-insured is liable to pay the corporation a fee calculated in accordance with the regulations. This particular regulation has been made pursuant to that section.

It has always been necessary that a payment be made by an employer who leaves the scheme and becomes a self-insured employer—and I will come to that in a moment. However, many members of the public who are not involved with WorkCover, or who do not have any claim or familiarity with the system, would not be aware that many companies in South Australia administer the workers rehabilitation and compensation system on behalf of their particular employees. So the WorkCover scheme in South Australia, contrary to what some people might think, is not a monolithic system; it is not one under which the WorkCover Corporation is the sole operator.

In fact, in South Australia there are some 70 major businesses—and probably more than that—that self-insure under this scheme, and I believe all are members of an organisation called Self Insurers of South Australia. Major companies such as BHP Billiton, Advertiser Newspapers Ltd, Clipsal, Coca-Cola, Coles Myer, Woolworths, the major wine companies, Flinders Ports, General Motors-Holden, OneSteel, Origin Energy, etc., are all self-insurers.

The performance of self-insurers, on all the benchmarks relating to workers compensation and rehabilitation—in particular, return to work rates—is better than that involving the scheme administered by the WorkCover Corporation. Not surprisingly, that is because a company which is itself running a scheme will have a greater incentive to ensure prompt return to work and prompt settlement of claims, it will have a better knowledge of its workers' capacity, and it will have greater flexibility in finding alternative work (perhaps light duties, etc.). Generally, the best part of our system has been operated in the self-insurance area, and it represents a significant part of the entire scheme. Contrary to the belief of some, the self-insurers are not a growing section of employers. If one looks at the figures relating to the proportion of remuneration between the scheme participants and the self-insured participants, one sees that, for example, in 1995-96, when

significant amendments were made by the previous Liberal government, some 38.9 per cent of remuneration was earnt by self-insurers. It is a significant proportion, of course.

That proportion has been reduced slightly over the years. The latest figures I have (2006-07) has it running at some 46.62 per cent. In 2005-06, it was 36.7 per cent, and the year before, 36.35 per cent. In real terms, the proportion of self-insurance has decreased, albeit somewhat slowly, primarily because the scheme itself has grown faster than the proportion of self-insurance. However, there are still companies and organisations which would be eligible to be self-insured, which would want to be self-insured and which have taken steps to get themselves ready, including implementing all the training and other organisational changes that have to be made, but the government has introduced a regulation which would make it very difficult, indeed, for those companies to become self-insurers because the fee that is being proposed in the regulations (which we seek to disallow) are extortionate.

Perhaps I can give some examples. The proposed discontinuance fee, for example, for a petrol wholesaler with some 500 employees, currently paying a levy of $570,000 a year, under this regulation would have to pay a discontinuance fee of some $1.08 million. I take another example. A furniture retailer with some 250 employees, currently paying a levy of some $456,000, would have to pay a discontinuance fee of $852,000. To become a self-insured employer, an employer in the air conditioning installing industry with, say, 1,000 employees, currently paying a levy of $2.7 million a year, would have to pay $5.1 million by way of discontinuance.

What we see here pretty transparently is an attempt by the government—and perhaps also by the WorkCover board—to prevent companies wanting to be self-insurers joining the other band of self-insurers by having to pay some penal and extortionate amount. I have had more recent information concerning that. A very well-known private hospital in South Australia, which has invested significant sums in preparing for self-insurance, has suddenly been hit with a $1.5 million discontinuance fee, which a private hospital organisation simply cannot afford to pay. A very well-known national transport group faces a fee of some $7 million in order to depart the WorkCover scheme. I believe that they wish to join the commonwealth Comcare scheme. Once again, that illustrates the magnitude of the issue we face.

It is my contention that it is all because of the hostility of WorkCover and this government to private employers and for no good purpose, other than extortion—in other words, keeping them in the scheme. Contrary to the claims made by anybody who says that the departing employers are being asked to contribute to the unfunded liability of the scheme, even these extortionate fees will make virtually no difference to the unfunded liability.

I have seen figures, calculated by Self Insurers of South Australia, which show that, even if they were to collect discontinuance fees at the rate of, say, $2 million to $3 million a year, and the unfunded liability stayed more or less where it is, the net benefit to the scheme would be negligible—something like .3 per cent of the unfunded liability.

In other words, the impact of discontinuance fees on the scheme as a whole is negligible, but the impost on individual employers is likely to be very significant and adversely affect how employers view their business and job prospects in South Australia. Why would you make further investments in South Australia? Why would you expand your business in South Australia if you knew that you were operating in an environment in which this type of practice persisted? So, from a cost-benefit perspective, this is a counterproductive measure.

It is said that employers continuing to subscribe to WorkCover are actually cross-subsidising the self-insurers. However, the fact is that there are already cross-subsidies within the existing levy pool; indeed, they are almost inevitable in any insurance pool, but the extent of cross-subsidy because of discontinuance fees is very small indeed.

We hear the Prime Minister intoning that it is all about jobs, and we hear exactly the same thing from ministers in this government, yet here is a measure that will directly affect employment and employment prospects in South Australia. It is not as though, as has been suggested by some, that there is a flood of companies either eligible or wanting to become self-insurers, but it is certainly true that there is a number who wish to do so and who ought to be able to do so.

An adjustment is already made, in addition to the discontinuance fee, when an employer becomes self-insured. I think it is loosely termed 'the 72 per cent arrangement', under which an adjustment is made calculated by reference to the levies the company has paid and the claim costs that are incurred over the past seven years.

So, if an employer departing the scheme has paid levies that exceed the claim costs, it will be entitled to 72 per cent of the difference. Of course, that amount is deducted from the discontinuance fee; notwithstanding that, these discontinuance fees are extremely counterproductive.

I will not go into the evidence, but it is abundantly clear, when one looks over the history and the reports of WorkCover and the statements of its recent ministers, that this bias against self-insurers exists, but the board and the government have been rather circumspect in admitting their true motives in relation to this aspect.

It has been pointed out that, at the rate of these discontinuance fees being charged and given the unfunded liability of the scheme and its likely unfunded liability into the future, it would take 200 years to recover the unfunded liability from these payments and, clearly, that is not the purpose. The fact is that WorkCover has not produced hard evidence to show that these fees are justifiable. They are not supported by actuarial evidence, and it has not been demonstrated that they measurably improve the funding position of the WorkCover scheme generally. As I have pointed out, the improvements are marginal at best. These regulations are also inconsistent with the much vaunted State Strategic Plan, by which the government says it will take action on compliance costs imposed on business in this state, because this measure will indeed discourage business growth and investment in South Australia.

There is other material I want to lay before the council on this matter. I will be seeking to conclude my remarks later, but I thought I would conclude at this point with a very pertinent observation made by Mr Robin Shaw, the manager of Self Insurers of South Australia Incorporated, which was published in the publication *Workers Compensation Report* on 7 April this year. In that respected publication, Mr Shaw is quoted as saying:

> WorkCover...loses in the long term. The funds it gains in the short term are a very small drop in a very big ocean of funding shortfall. There is no notable funding improvement for the scheme. But the loss of levies and the generation of long-term claims from the companies abandoned into failure because of its discontinuance fee system...make it a certainty in my mind that discontinuance fees represent a long-term loss to the scheme.'

The publication continues:

> This represents an alarming lack of strategic vision by WorkCover, [Mr] Shaw said.

The publication goes on:

> It's a classic case of penny wise, pound foolish. It also means that the reputation of a State Government that repeatedly talks of its policy of making the State of South Australia more business friendly is being unravelled by a regulator that apparently has had a complete failure of vision. It is clear that the Corporation is making such decisions in an entirely self interested way and cares nothing for the impact on the employees and employers that it notionally exists to serve, and on the economy of the State it is supposed to be part of.

I think it is important, in concluding this aspect of my remarks, to say that it is not only employers who suffer because of these discontinuance fees: ultimately, it will be injured workers and workers generally who will suffer because of the fact that injured workers employed by self-insured companies, or those who wish to become self-insured, will not have the benefit of their better claims management record and their better return to work rates and, more importantly, the wider workforce will have fewer opportunities because companies simply will not invest in a state where an oppressive regime of this kind exists. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

EAST TIMOR

The Hon. DAVID WINDERLICH (16:21): I seek leave to move my motion in an amended form.

Leave granted.

The Hon. DAVID WINDERLICH: I move:

That this council—

1. Remembers that at least 40,000 Timorese civilians were killed as a result of their assistance to Australia in the Second World War;

2. Regrets that there has been no official recognition of the Timorese in assisting Australia in World War II;

3. Notes that the United Kingdom awarded the Island of Malta the George Cross on 15 April 1942 to honour the courage of its people; and

4. Supports the call by the Mary MacKillop East Timor Mission for the nation of East Timor to be given the award of the Companion of the Order of Australia for the extraordinary service rendered by the Timorese people to Australia during World War II;

5. Conveys its support for the awarding of the Companion of the Order of Australia to the Australian Honors Secretariat in Canberra.

The proposal to award the nation of East Timor the Companion of the Order of Australia has been developed by the Mary MacKillop Mission to East Timor. I became aware of this when I attended the Australian/East Timor Friendship Association's annual independence dinner held to celebrate the achievement of independence for Timor Leste on 24 May. The dinner was also a fundraiser for the Alola Foundation, which was established by Kirsty Sword, the wife of President Zanga Guzma, to raise funds for projects for women and children in East Timor. The guest speakers were Abel Gutteres, the Consul-General for Timor Leste—a charming man who is, sadly for Australia, moving to Brussels to be East Timor's representative to the European Union—and Sister Susan Connelly of Mary MacKillop's East Timor Mission, who outlined this proposal. I will quote extensively from the material that the Mary MacKillop East Timor Mission has prepared in support of its initiative, as follows:

During World War II Portugal and its territories including East Timor were neutral. In 1941 Australia sent two battalions and some support troops to the strategically important Timor environs: Gull Force, to be headquartered in Ambon, and Sparrow Force to Kupang in West Timor. On 17 December 1941 almost 400 men of the Australian 2/2 Independent Company, along with a few hundred Dutch troops, landed in Dili, Portuguese Timor. Antonia Salazar, the Portuguese President, called this the first invasion of Timor and the Portuguese Governor in Dili at the time, Manuel Ferreira de Carvalho, showed Portugal's displeasure by remaining in his residence and demanding to be treated as a prisoner of war. Not long after landing, the 2/2 Independent Company was decimated by malaria.

During the night of 19 February 1942, thousands of Japanese, under Major General Takeo Ito, invaded the island at Kupang and Dili, the same day as the bombing of Darwin. The main body of Sparrow Force in West Timor surrendered on 23 February 1942, leaving the 2/2 Independent Company in East Timor without higher command, fighting a rearguard action against the Japanese, who increased their number in April or May with specially trained guerrilla troops. The Australians were without radio contact with Australia for two months, until 19 April, when they successfully used a radio they had made from items raided from the Japanese.

In May 1942, the Australians in Timor were ordered to keep harassing the Japanese forces, since there was no possibility for them to be evacuated. The 2/2 Company was reinforced by the 2/4 Independent Company on 20 September 1942, bringing the number of Australians to about 700. Portuguese civilians were evacuated with the 2/2 to Australia in December 1942, while the 2/4 was withdrawn in January 1943, around the same time that the Japanese 48th Division reinforced with at least another 14,000 troops, bringing their number to around 20,000.

The final Australian groups, a small intelligence collection and reporting team, S Force, and a small detachment of Z Special Force were evacuated at the end of February 1943. The Japanese remained in control of East Timor until the surrender on 15 August 1945. There was widespread Japanese coercion and retaliation against the Timorese throughout the campaign, including the bombing of villages, destruction of livestock, rape and wholesale murder of the civilian population, resulting in the loss of an estimated 40,000 to 60,000 East Timorese lives.

'The census of 1947 showed that the population of the colony had declined from 472,221 in 1930—the year of the previous census—to 433,412. From these figures it has often been estimated that 40,000 Timorese died as a result of the war, but the real figure must have been much higher—probably more than half as high again, even if a minimum natural growth rate is taken into account.' James Dunn [author] *Timor: A People Betrayed*.

The testimony of the Australian troops who were there attests to the overwhelming support of the Timorese people as a whole, and of the Criardos in particular, the young Timorese men who led, fed, nursed, hid and warmed them with loyalty and courage. No Australian soldier from the 2/2 or the 2/4 was taken prisoner.

In the words of the Australian soldiers themselves, John (Paddy) Kenneally of the 2/2 said:

We went to Timor and brought nothing but misery on those poor people. That is all they ever got out of helping us—misery...In 1942 we were just a handful of men, short of everything and fighting an all-conquering enemy. We are the only unit from the Philippines, Malaya and the Netherlands East Indies which didn't surrender and survived, and only because of their help. We were living off them. We arrived in Timor with plenty of ammunition, but only one month's ration and we were there for 12. They didn't sit down and say, 'The fight's between you and the Japanese. You paddle your own canoe.'

According to Archie Campbell of the 2/2:

...at this point we get into the fifth column business by using the initiative and courage of our wonderfully faithful Timorese. It is the Chefe Francisco who comes up with the idea. He is an ideal choice as a chieftain because he is shrewd, intelligent and full of valour. He is also very pro-Australian. Using a mixture of Tetum and a few well-known Aussie words, he unveils a plan of his own. Why not, says he, send a Timorese with eggs, bananas and chickens to sell to the Japs. He can see where they are, how many and what they are doing. 'I will fix it'.

I never do learn the name of the boy they send in, but after a briefing by Francisco on our requirements, he goes without demur. As he departs with the produce secured on a stick carried over his shoulder, I am overwhelmed by the man's loyalty to his chief and his faith in us. It is almost incredible that he is willing to risk torture and death for the Australians, who were indirectly responsible for the all the misery the Japs have heaped upon the Timorese: the burning villages, the killings, the terrified women carried into slavery and defilement. Yet there he goes—no fanfare, no drama—just a casual wave and a smile and he is gone.

Lance Bomford of the 2/40th Battalion, who joined up with the 2/2, said:

Each of us had his native called a criado. They carried our packs so we were free with our guns, and without them we just could not have fought like we did. The natives would spot when the Japs were making a move and relay the message to us, so we could set up ambushes. Even at the end, when it was tough, we were dependent on them to keep one jump ahead of the Japs. It wasn't just the criados, there were lots who helped us.

Once we were all asleep and this bloke came and said 'Japanese!'. We pack up quick and sneak up the hill. Then we see these Japs bring this bloke to where we've been camped. We heard the shots and they killed him because he'd warned us. The hill was too high up to do anything, but we felt awful about him getting it. He was a beaut fellow, really bright. By November things were gloomy. It was very hard for us and the poor natives. Early in December we got orders to move to the coast. It was a great feeling to be going home, but it was a sad parting from the Timorese boys who'd done so much for us. Quite a few of us had tears in our eyes. I'd have loved to have taken my little fellow back with me. He cried when the time came to leave. I gave him a note (praising him), what a good lad he was, and gave him a few odds and ends. What happened to him, Lord knows.

The Companion of the Order of Australia in the Australian honours system makes appointments for recognition of outstanding achievement and service. The Companion of the Order of Australia is awarded for eminent achievement and merit of the highest degree and service to Australia or humanity at large. Nominations to the Order of Australia come directly from the community, either individuals or groups—in this case, the Mary MacKillop East Timor Mission.

Once a nomination has been submitted, the Australian Honours Secretariat at Government House in Canberra conducts further research and contacts referees, and the Council of the Order of Australia then considers the nominations and makes its recommendations, independent of the government, directly to the Governor-General. Awards in the Order of Australia are publicly announced on Australia Day and the Queen's Birthday public holiday, as we have just witnessed.

In support of this nomination, the East Timor Mission points out that the extraordinary Timorese support was essential for the success of the campaign in East Timor in 1942, which occupied large numbers of Japanese troops who may otherwise have joined with their forces in Papua New Guinea and possibly changed history on the Kokoda Trail.

It was an extraordinary loss. The only people ever to have lost 40,000 civilians as a result of their loyalty to Australians are the Timorese. Then there was the extraordinary response of the East Timorese. It was pointed out that there has not yet been any adequate Australian recognition of the role of the Timorese in assisting us in World War II. Possible objections are noted. 'What about the "fuzzy wuzzy angels"?' is one possible objection.

Their contribution is recognised, but reparation of £6,710,799 was paid to cover almost all damage or loss, including death, personal injury, illness, disease or suffering caused by the death of a spouse or relative, destruction of crops or housing and permanent damage to land. That amount was paid by Australia to the fuzzy wuzzy angels and their relatives. On 28 April 2009, the Australian Prime Minister announced that the angels or their survivors would receive commemorative medals.

It could be said that there is no precedent for giving this award to a nation: it is given to an individual. It is true that Australia has not yet made such an award but Britain, upon whose honours system ours is based, gave the nation of Malta the George Cross on 15 April 1942 to honour the courage of its people. The people of the island of Malta sustained heavy casualties fighting Italian and German bombers during World War II. Throughout the war they defended the island against overwhelming invasion attempts despite having limited supplies, ammunition and substandard aircraft.

The island provided an important strategic base for the allies in the middle of the Mediterranean between Italy's southern front and the German operations they supplied in Africa. At the time that the George Cross was awarded on 15 April 1942, Malta was literally starved of military and civil resources. It managed to hold off the Axis advance until British supplies fought their way through in mid-August that year. King George IV said at the time:

To honour her brave people I award the George Cross to the Island Fortress of Malta to bear witness to a heroism and devotion that will long be famous in history.

So, there are some clear parallels with Timor there. I think that by supporting this motion it will simply add weight to the initiative taken by the Mary MacKillop East Timor Mission to give overdue recognition to a people who suffered greatly because they helped Australian soldiers to survive a two-year campaign by the Japanese in World War II, to the great advantage of Australia, in that it tied up significant numbers of Japanese troops who might otherwise have been freed for the campaign in Papua New Guinea. I commend the motion to all members.

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

SERIOUS AND ORGANISED CRIME (CONTROL) (CLOSE PERSONAL ASSOCIATES) AMENDMENT BILL

The Hon. DAVID WINDERLICH (16:34): Obtained leave and introduced a bill for an act to amend the Serious and Organised Crime (Control) Act 2008. Read a first time.

The Hon. DAVID WINDERLICH (16:35): I move:

That this bill be now read a second time.

The bill is very simple. It simply replaces the term 'close family members' in section 35(6)(a) and (b) with 'close personal associates'. A close personal associate is defined as an uncle or aunt, a first cousin and a boyfriend or girlfriend. It is an attempt to soften the harsh effects of the act on personal relationships not only of bikies but also of anyone with a criminal conviction prescribed by regulations, and that would include any other unionist or environmentalist who might have these powers used against them by a future government.

It will come as no surprise to members that I see the act as fundamentally flawed. I think it is the sort of law that one would expect to find in North Korea or some banana republic rather than in one of the oldest and most successful and stable liberal democracies in the world. I believe that this law violates basic freedoms, including the presumption of innocence and freedom of association. These principles were not made up by academics secure in ivory towers; they were forged in the bloodshed and torture of the English, French and American revolutions. They were produced by people who knew the dangers of street violence but also realised that there must be checks on the powers of government as well.

I believe that the powers in this act are unnecessary. All the actions of bikie gangs that concern us are already illegal. There are, of course, laws that protect against violence, blackmail, robbery, drug manufacture and so on, and the police are successfully using these laws to make arrests and secure convictions.

I quote from the application for a declaration of the Finks tabled by the Attorney-General in parliament on 14 May this year. That declaration states that 42 of the 46 members of the Finks have criminal convictions, including 160 offences of violence, 173 convictions for drug offences, 263 convictions for property crimes, and 137 convictions for firearms offences. This seems to provide pretty clear evidence that the Finks is a dangerous group, or at least have significant dangerous elements in their ranks, but it also clearly shows that they can be fought using existing laws, powers and police techniques.

I believe the heavy-handed approach of this act is potentially counter-productive. On 2 February 2008 Police Commissioner Mal Hyde referred to the cooperation of the community as being vital in the fight against organised crime. He said, 'One of the greatest weapons the police could wield is the help of the public.'

Many people see this law as going too far. For example, I have started a Facebook group called 'I will associate with whomever I bloody well like'. It has 2,000 members. However, last night, I discovered that it pales into insignificance beside 'I'm against the anti-bikie laws', which has over 10,000 members. So, there are potentially 12,000 people who have great concerns about this law and are willing to be on record as saying so.

Adelaidenow polls of several thousand people have had between 30 to 40 per cent of people opposed. These people see the laws in the Serious and Organised Crime (Control) Act as a dangerous over-reaction and, as a result, may be less likely to pass information on to the police, and this would be a setback in the fight against organised crime and violence.

I am also struck with how one-dimensional these laws are. They are all stick and no carrot, all brute force and no intelligence (with the possible exception of criminal intelligence). These laws represent an attempt to crush outlaw motorcycle gangs with brute force but offer no complementary

strategy providing incentives to leave—to get the outer sections of these gangs to perhaps voluntarily peel off.

Members might say these people are evil, so, good riddance, but many generals and intelligence agencies involved in wars and counter-terrorist operations have taken a more sophisticated approach. Everyone would be familiar with the 'hearts and minds' strategy used in the Vietnam war; and similar mixed strategies with multiple strands are used in counter-insurgency and counter-terrorist campaigns all around the world. I believe the crude approach of the SOCA laws is, in fact, creating more opposition. A political party has formed called FREE. Lawyers and the human rights constituency are finding common ground with bikies and communities associated with bikies and, before too long, the message of 'one law for all' will resonate with construction workers.

I think these laws are dangerous. Most people accept the basic premise that all power will be abused, and this act gives too much power to the police and the Attorney-General. In this chamber we frequently call for openness and transparency. We say we believe that sunlight is the best disinfectant, but this law has criminal intelligence under which the accused cannot challenge the evidence against them because it is kept secret. Of course, this law has been introduced in a state in which we have no independent watchdog—no ICAC—to monitor abuses of power.

I think this law is old-fashioned. It is often alleged we need these powers because bikies are protected by a code of silence, and I am sure that is true. The code of silence is a very ancient code and has protected criminals for thousands of years. It is arguably hard to penetrate a code of silence with traditional methods. However, this is the 21st century, and we have a range of options. DNA fingerprinting is used to solve cold cases that once would have relied on eye witnesses with the courage to testify. There was an example of this early last month when a rapist was recently charged for a crime committed 20 years ago as a result of DNA testing. There is phone tapping. There were 2,929 phone taps authorised last year across Australia (1,100 more than in the US).

Despite these concerns and the new crime-fighting tools, bikies and other criminals will sometimes escape justice, but that does not justify such draconian rules. I am fully aware of the growth of more sophisticated cyber crime, but that is not what this act or any of the government's rhetoric has focused on.

I think these laws are hard-hearted—unnecessarily so. Under section 35(3)(a) people with a criminal conviction, here or in another state, could be subject to a control order and, as a result, cut off from family and friends, not because they are currently committing a crime but because five, 10 or 20 years ago they committed a crime and are swept up in a police campaign against a particular outlaw group. I can think of specific people such as the Christian Longriders whom I have met during the past year who are doing their very best to make up for past misdeeds who would fit into this category.

Clearly, I would scrap the whole bill and start again, if I could, and, with the appropriate safeguards, I could personally accept quite strong action to disrupt organised crime. However, this is not possible and today my aims are much more modest. I am simply targeting sections of the act that ban very reasonable associations with close family members.

I believe the criminal association offence in the Serious and Organised Crime (Control) Act is the most obnoxious element of the act. Section 35 potentially turns the most ordinary activities into criminal offences. This law is designed to disrupt organised crime and I have some sympathy with that, but section 35 actually has the potential to disrupt largely innocent families. Section 35 reads:

(1) A person who associates, on not less than 6 occasions during a period of 12 months, with a person who is—

(a) a member of a declared organisation; or

(b) the subject of a control order,

is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

(2) A person does not commit an offence against subsection (1) unless, on each occasion on which it is alleged that the person associated with another, the person knew that the other was—

(a) a member of a declared organisation; or

(b) a person the subject of a control order,

or was reckless as to that fact.

If the subject of a control order or a member of a declared organisation is your uncle, aunt, cousin, nephew, niece, life-long friend, boyfriend or girlfriend, you would probably know they were a member of a declared organisation and therefore be reckless as to that fact. You would therefore be faced with breaking the law or breaking your relationship. While I do not have any sympathy for cold-blooded killers, I know that in many cases we are talking about people with a history of convictions who may be trying to reform, petty criminals, or potentially victims of great abuse in their lives. Section 35 goes on:

(3) A person who—

(a) has a criminal conviction (against the law of this state or another jurisdiction) of a kind prescribed by regulation; and

(b) associates, on not less than 6 occasions during a period of 12 months, with another person who has such a criminal conviction,

is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

(4) A person does not commit an offence against subsection (3) unless, on each occasion on which it is alleged that the person associated with another, the person knew that the other had the relevant criminal conviction or was reckless as to that fact.

(5) A person may be guilty of an offence against subsection (1) or (3) in respect of associations with the same person or with different people.

Subsection (6) gets to the nub of my amendment:

The following forms of association will be disregarded for the purposes of this section unless the prosecution proves that the association was not reasonable in the circumstances:

(a) associations between close family members;

Close family members are defined in paragraph (b), which provides:

A person is a close family member of another person if—

(i) that person is a spouse or former spouse of the other or is, or has been, in a close personal relationship with the other; or

(ii) is a parent or grandparent of the other (whether by blood or marriage); or

(iii) is a brother or sister of the other (whether by blood or marriage); or

(iv) is a guardian or carer of the other.

So, uncles, aunts, cousins, nephews and nieces are not counted as close family. If you see one of these relatives six times a year, say, at Christmas, Easter, Mother's Day, Father's Day, a christening or a birthday, you could be charged with the offence of criminal association and you could be charged with an offence even if the person you are associating with has never been convicted of a crime.

I note that four members of the Finks did not have a conviction which could, of course, just mean that they might not have been caught yet, but presumably the presumption of innocence comes into play there. If the Finks are the worst of the outlaw gangs, it is safe to assume that there will be higher numbers of people without convictions, or with convictions that are some years old, in other gangs. The act then goes on to outline the defence of reasonable excuse and then deny that defence to significant categories of people. Subsection (7) provides:

Without derogating from subsection (6) but subject to subsection (8), a court hearing a charge of an offence against this section may determine that an association will be disregarded for the purposes of this section if the defendant proves that he or she had a reasonable excuse for the association.

So, you must prove why you associated but, even if you can prove why you associated, under subsection (8) that does not necessarily count. Subsection (8) provides:

In proceedings for an offence against this section, subsection (7) does not apply to an association if, at the time of the association, the defendant—

(a) was a member of the declared organisation; or

(b) was a person the subject of a control order; or

(c) had a criminal conviction (against the law of the state or another jurisdiction) of a kind prescribed for the purposes of subsection (3).

Subsection (9) provides:

For the avoidance of doubt, in proceedings for an offence against this section, it is not necessary for the prosecution to prove that the defendant associated with another person for any particular purpose or that the association would have led to the commission of any offence.

In other words, you have to prove that you were not associating to commit a crime. As a result, we have a criminal offence created not because of what you have done but because of who you know. In fact, it is subsection (8) that the government tends to highlight, as this is the one that prevents criminal bikies from associating with each other. The rest of section 35 has more drastic effects upon potentially innocent people.

In summary, the government's anti-bikie laws have turned Christmas dinner into a potentially criminal activity. My amendments would, among other things, enable close relatives, boyfriends and girlfriends to meet for Christmas, Easter, family reunions and birthdays based on the assumption that, if people really were convicted of offences, they would be in gaol rather than out at Christmas dinners so, therefore, it should be safe to meet with them.

Perhaps the best way to conclude my remarks about the injustice of these laws is to quote just a few of the constituents who have written to me to express how they feel about the anti-family association laws. I believe they are a broad representation of how many people in the community feel about these laws. One person wrote:

I have a brother and an uncle who are worried about sending my daughter a birthday present in the mail...now how ridiculous is that...my five year old little girl loses.

Another one says:

That is totally outrageous. I will mix with whomever I choose, although anyone who I know is violent I keep away from...there are plenty of laws covering drugs, theft and violence. Why extra laws?

Another one says:

This is getting completely out of hand, I've said it once, what about focusing on street gangs or crime syndicates. Will clearing out all the bikie squads fix the rest of society's problems?

On they go. It is evident that many in the community share my concerns with these laws, and I implore members to consider the negative impacts the act will have on many families, criminalising one of the most positive associations we have in our society: our family.

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

ITALIAN CONSULATE

The Hon. CARMEL ZOLLO (16:50): I move:

That this council—

1. Strongly urges the Italian government to reconsider its decision to close the Adelaide Consulate in light of the important role it plays in promoting the cultural, social and economic relationship between South Australia and Italy; and

2. Urges the commonwealth government to lobby the Italian government to change its decision to close the Adelaide Consulate.

Yesterday, the Premier made a ministerial statement in the other place in relation to the proposed closure of the Italian Consulate in Adelaide. This proposed closure was included in a ministerial decree in the Italian national parliament in Rome announcing that a number of Italian consulates around the world, including Adelaide, would be closed. This is a decision which will be hard-fought by the Italo-Australian community in this state.

I understand this announcement followed a joint sitting of the Commission for Foreign Affairs of both the Italian Senate and the House of Deputies on 10 June. It is understood that the move to close a considerable number of consulates was a rationalisation or cost-cutting initiative. I am told that, given the announcement that came about via ministerial decree, the matter is not one that is likely to be debated in the Italian parliament.

I could be accused of being biased because I am Italian born and part of the history of migration to this country post-World War II. I am part of that very large group of migrants whose poignant history is now, I believe, a very important part of the multicultural tapestry of the state. With some 100,000 people of Italian origin it is the largest ethnic group in this state, so I believe the motion is relevant to many.

The Italian Consulate plays an important leadership role in the provision of services to those of Italian heritage, whether it is in the area of culture, trade or social relations between South

Australia and Italy. As described by the Premier yesterday, an active and energised Italian Consulate has been an integral part of our community for many decades, and central to many local Italian community activities.

I understand that there has been speculation that this rationalisation of closing a number of consulate offices will save the Italian government about €8 million a year from 2011. I believe this saving is shortsighted. Apart from the normal diplomatic services offered in any overseas post, the Italian Consulate in South Australia supports, involves and promotes the community and services offered to the Italo-Australian community.

Since my election to parliament I have had the opportunity to work with four consuls. All have been young and full of commitment to the vibrant community that they have found here, and they are strongly supported by their staff. I know that some have been instrumental in furthering the unity of the community in relation to services for the aged, and, more recently, Consul Tommaso Coniglio has promoted the setting up of an energised youth group in South Australia. I am also aware that he is hoping to see even further unity and has some plans that he wants to discuss with both the government and the opposition.

I could not think of a worse time to go ahead with this closure. If we look at the area of aged care, it is at just this time that those who made their leap of faith post-World War II are looking for extra support. The aged of Italian heritage are entering a period of high and rising demand for these services, and common sense tells us that this will be with us for another generation.

I appreciate that on the surface there is a high level of integration in Australian society, but English-language capacity amongst the aged is low, and it is a major source of concern. The 2006 census found that some 45 per cent of aged Italian-Australians do not speak English or do not speak it well. I should also place on record that the proportion of aged in the Italian community is higher than that of any other national ethnic group in Australia—and, as is to be expected, South Australia has its fair share. None of us would be surprised to learn that, in Australia, Italian is the second most spoken language in the home after English.

The belief that one cannot fully understand a culture without knowing its language is something that the consuls themselves have personally strongly supported and promoted. The support is also financial and comes via the Ministry of Foreign Affairs in Italy in the form of considerable funding—to the tune of between €150,000 and €250,000 in some years—and the consulate has an education office and an officer attached to its staff, such is the importance placed on language. The funding received from the Italian government primarily promotes the teaching of the Italian language and culture and, whilst this is mainly for the children of Italian migrants in Australia, it is obligatory for courses to be open to students of all backgrounds—as it should be.

The teaching of language is of the utmost importance, and the dissemination of the majority of the funds on behalf of the Italian government in South Australia is through the Centro Didattico Italiano, or the Italian Didactic Centre. The Centro organises, at its premises and in numerous schools, Italian courses for all age groups and scholastic levels. It also plays an important role in the professional development of teachers of Italian in South Australia. Through its resource centre the Italian Didactic Centre supplies multimedia and study materials for teachers and the general public.

The Didactic Centre, as well as being a school of languages, offers curricular courses for students who wish to study Italian to the final matriculation year. The Ministry of Foreign Affairs, via the Italian Consulate office, also promotes the teaching of the Italian language in our three major Adelaide universities through the work of several Italian teachers. The work of the education office attached to the consulate is something that should not be sacrificed. The commitment is extraordinary.

For several years now a memorandum of understanding has been renewed between the South Australian government and the Italian government. I am told that about 12,000 students study Italian language and culture in 66 government schools. As well, around 300 students study Italian at two ethnic schools. In short, none would doubt the commitment of both governments to the promotion of the Italian language, and having an Italian consul here in South Australia to help drive the agenda is essential.

The role of the Italian consuls in South Australia has been pivotal in this journey. Dr Tommaso Coniglio and the Minister for Education and Children's Services in the other place signed a new memorandum of understanding just a week or so ago, and I was pleased to assist with the liaison in the setting up of the first memorandum. It is the second and subsequent

generations of people with Italian heritage who will, I believe, be strongly disadvantaged without the support of a committed consulate office in South Australia to further promote the Italian language.

At parliamentary level, the ties between the two countries continue to grow. Members may be aware that the member for Light in the other place has, in the past few years, established the Australia-Italia MP Forum. The key objective of this forum is to promote and strengthen cultural, educational and economic ties between Australia and Italy. In particular, the forum seeks to strengthen the relationship between Italo-Australians and Italians; and it seeks to work with existing forums and associations. During this parliament alone, South Australia is fortunate to have six serving members of parliament of Italian heritage—indeed, eight, if we include those of part Italian heritage.

In relation to commerce, the Italian Chamber of Commerce in South Australia is a very active and successful one. It has won the international chamber of the year in South Australia three years in a row: 2004, 2005 and 2006. Whilst its funding is primarily sourced through the Italian international trade ministry, it is strongly supported by the consulate. The difference between imports and exports to Italy may be somewhat uneven, but it does not take away from the hard work and vision that the chamber demonstrates in assisting to find (often) niche markets for our products. The economic outcomes from ICCI (as it is known) supported missions in 2008 is estimated to be $21 million in the areas of building materials, electrical, fresh produce—food and wine.

Just as an example, I had the opportunity, whilst leading a delegation to the Rural Women's Conference in Spain in 2002, to also visit the Milan markets, along with the chief executive officer of Adelaide Produce Markets. I was also the convenor of the Premier's Food Council at that time. South Australia has had some successes in seasonal exports of fruits. The Vegetable and Fruit Market of Milan is the largest in Europe in terms of goods handled and is characterised by a wide range of products available year round, capable of satisfying a great variety of customers. It also plays a leading role in the distribution of fruit and vegetable products in Italy and other EU countries, to which it exports about 20 per cent of the million tonnes of fruit and vegetable sold each year. The market management appreciated our clean and green credentials, and I am certain that this is an area that South Australia will continue to pursue.

The Italian Chamber of Commerce and Industry (ICCI) actively promotes trade between South Australia and Italy. Some other examples of South Australian companies exporting to Italy include: Almondco Australia, Coopers Brewery, San Remo, Minelab Electronics and Henschke Cellars. The benefits of having an Italian consulate office in South Australia that works strongly with ICCI are obvious. The benefits range from increased job creation for South Australian companies to the establishment of protocols and MOUs with other markets.

I also acknowledge that delegation visits between our two countries is something that the consulate is always prepared to facilitate or assist with, whether it is at the ministerial level or by way of a group of scientists or other professionals interested in an exchange of views and knowledge. More recently, a delegation from the 'Campania Regional Competence Centres' visited Adelaide in April. The objective of that visit was to stimulate longer term relationships and technological transfer between interests and industry in South Australia and Campania, as well as promote opportunities for research, trade and economic development with Europe, in particular the areas of agrifood innovative materials for industrial application and biotechnology.

South Australia has a sister-state agreement with the Italian region of Campania, which was signed in 1990. We now also have one with the Puglia region. The roles of the Italian consulate and the Italian Chamber of Commerce in the facilitation of these initiatives with the Italian regions are so very important.

Several years ago, as minister for emergency services, I had the opportunity to visit the Civil Protection (Protezione Civile) headquarters in Rome. The visit was facilitated by the Italian consulate office and included an opportunity to see and discuss the national fire response arrangements and the role of volunteers in the Italian emergency services sector. More recently, the consulate facilitated the visit to the centre for two emergency services personnel who happened to be in Europe at that time.

I was not surprised to see images of a well ordered response to the recent earthquake which, unfortunately, shook the Abruzzo region of Italy. I know that all agreed with the strong support the South Australian government provided to the earthquake relief efforts. Financially, the

South Australian government has committed around $200,000 to the appeal. The appeal closed last Saturday, and I was pleased to support the community at the closing function.

Last night, the Committee of Italians Abroad held a meeting at Punto Italia. Punto Italia was recently opened by the Premier and the newly appointed Italian ambassador to Australia. It is a hub for Italian cultural and social services—a reference point for the wider community covering areas of social welfare, education, culture, women and youth. The president of Com.It.Es (Committees of Italians Abroad) chaired the meeting and representatives from Co.AS.IT, the Italian Chamber of Commerce, the Dante Alighieri Society, It.sa Italian Culture for Youth and Australia Donna were present. Also present was a representative of CGIE, the Council General of Italians Abroad. All expressed their strong disappointment and concern at the proposed announced closure and agreed to a plan of action. The government shares the concern of the community.

In all its workings, the consulate office works hard to assist private citizens, as well as at the bureaucratic and government levels, in our interactions with all things Italian. Such a proposed closure would be short-sighted indeed. What an incredible inconvenience it would be for people in South Australia to have their consular needs serviced from Melbourne. Australia is a big country and distances can truly impact on disadvantaging people from accessing services. Again it will be the elderly who will be truly disadvantaged. Besides travel being difficult for them, they are not IT savvy either.

I believe governments of all persuasions in a bipartisan manner have amply demonstrated their commitment to the Italian community in this state and have always had an excellent working relationship with the consulate office. Our relationship with Italy has been reinvigorated in recent years. The Premier referred to these initiatives in his ministerial statement yesterday, and I will not repeat them. I understand that the office in Adelaide is one of two in Australia proposed for closure, and that it is likely to occur before the end of 2010. I know that many of the Italo-Australian community are up in arms, and I agree with the Premier that such a closure will be a blow to local Italian community affairs because of the central role the consulate plays.

I was born in the Campania region of Italy, and I know that the federation of that region, along with some 120 Italian associations, organisations and clubs in South Australia, ranging from welfare organisations and religious associations to recreation, sports and regional clubs, are none too impressed.

The next few weeks will see a strong campaign by the Italo-Australian community to try to dissuade the Italian government from closing the Italian consulate in Adelaide. This community has contributed so much to our state, and the government believes their needs should be paramount in the considerations of the Italian government.

An identical motion will be moved in the other place tomorrow, and all indications are that both chambers will be supportive of it. I look forward to members' contributions, and I urge them all to support this motion in order that this chamber sends a strong message, via the federal government, on behalf of the Italo-Australian community of this state that they do not want to see this proposed closure to come to fruition. It is indeed a backward step. I reiterate the Premier's words, as follows:

> In addition to normal consular functions involving migration, visas and passports the Italian Consulate has been very much the hub of the community for trade, social welfare, community services to the elderly and cultural and language activities…
>
> To proceed with the closure of the consulate would be a body blow to the Italian community, who have contributed so much to our state, and would have a detrimental impact on the range of services that are coordinated by the consulate.

I believe that the Italo-Australian community deserve to be treated better than have their consular office shut down. I have purposely used the Italo-Australian community because this proposed closure would affect not just those who have maintained their Italian citizenship. The majority of Italians would have lost their ability to maintain dual citizenship when taking up Australian citizenship because of the Italian laws applying at that time. I know that many, if not all, would have proudly preferred dual citizenship.

The proposed closure of the consulate office in Adelaide affects those people—around 100,000 who have Italian heritage—just as much as those who have Italian citizenship. Again, I look forward to the support of honourable members for this motion.

The Hon. R.L. BROKENSHIRE (17:10): On behalf of Family First, I rise to give very strong support to the Hon. Carmel Zollo's motion. It is a very important motion, and I hope that the

Italian government will, as a result of this initiative and others being put forward by our government and the parliament, reconsider this decision. I appreciate that at the moment Italy is in the same situation as Australia in regard to the impact of the global financial crisis, but now is not the time to close doors on opportunities for the future. We should be capitalising on not only the great work that has been done by Italian migrants to South Australia over several generations but also on the great social and cultural and export and import opportunities that are doing well in South Australia and Italy.

However, I believe that these opportunities are still at an immature stage, and I put on the record a few I have noted. I was privileged to have been brought up with neighbours who came from Italy and who are now some of our closest friends. In fact, when some of them came to Australia, they could not speak any English at all, but they were very willing to become strong contributors to our state; indeed, today they are great viticulturists and farmers. My mother and I spent a lot of time teaching English to one neighbour. It was a really good experience for me, and it built a great relationship with that family as they became an integral part of South Australia.

I highlight a good friend of mine, Steve Maglieri, who came from Italy with only a few dollars in his pocket. In recent years, he has exported shiraz to Italy, where he has won gold medals. Another example is the Crotti family and what they have done to export their durum wheat pasta to Italy. In our farm shed, we have machinery with the badge, 'Made in Italy,' so the opportunities are a two-way street. As the Hon. Carmel Zollo said, we must also support those families who made the decision a long time ago to migrate from Italy to South Australia and build those connections.

I think I would be right in saying that the families who have been here the longest have been here for about only four generations, although it may be a little longer for some. Wherever you go, whether it be to the Riverland or Virginia, you see the opportunities they have created and their incredible impact on our state. On the other hand, I see great opportunities for Italy. My daughter has lived near Milan for several months and now speaks fluent Italian. Exchange students have come from Italy to stay with us in our home, and I think that the future augurs well for the relationship between South Australia and Italy in every capacity.

Another example I highlight is the importance of the Adelaide consulate just a few months ago when the tragedy of the devastating earthquake occurred north-east of Rome. The consulate played an important role, and it was great to see how quickly (supported by our Premier, I might say) an appeal fund for the victims was set up and a lot of integrated work initiated with the consulate.

These are just some of the reasons I think it would be shortsighted and unfortunate if money were to be withdrawn, resulting in the closure of the consulate. There are fantastic opportunities for relationships between Italy and Australia, as a nation, and South Australia, which has done so well through the opportunities we share. I believe that there will be a lot more opportunities for tourism and for economic, social and cultural development in the future. However, one of the important parts of that is to keep the door open, through the office of the consulate. On behalf of Family First, I commend and support this motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:15): I rise on behalf of the opposition to indicate that we are extremely happy to support the Hon. Carmel Zollo's motion calling on the Italian government to reconsider its decision to close the consulate and also calling on the commonwealth government to lobby the Italian government to revisit its decision.

As members would know, in the past two or three years, I have had quite a lot of involvement with the Italian community, being one of the Liberal Party's attendees at multicultural functions, in my role of assisting the shadow minister. I had very little multicultural exposure in my home town of Bordertown, where I knew of only two Italian families and one Greek family.

Members interjecting:

The PRESIDENT: What about getting on with it.

The Hon. D.W. RIDGWAY: We are talking about some 40-odd years ago, when I first started school, and I knew of these three families in the community. I have very fond memories of the Italians I knew back in Bordertown; unfortunately some of them barracked for the wrong football team. From a very early age, I have had a great interest in the Italian community. In my role of assisting the shadow minister for multicultural affairs, I have attended a range of functions. The Italian community is particularly important to South Australia. They have had an impact on our

community across a range of areas, and we often talk about the impact the wonderful Italian food has had on our community.

At one of the functions I attended 12 to 18 months ago, one of the Italians said that they get a little annoyed about the focus only on their food and not on everything else they have contributed to our society. If you look at the business community, you will see that there are wonderful examples of very successful business people who were born in Italy but came to this country and worked extremely hard to build empires. I am aware that Terry Stephens knows some very successful business people in his home town of Whyalla who came from Italy and settled in this state. Those people made the brave decision to move to the other side of the world, and they have embraced this country as their own. They have worked very hard and been part of their own community and become part of our community.

We often become single minded in thinking that the great contribution the Italian community has made has been only in relation to food, but the Italian community has had an influence right across our community. They also have had an impact on sport and sporting events.

The Hon. T.J. Stephens interjecting:

The Hon. D.W. RIDGWAY: The Hon. Terry Stephens interjects with the name Mark Ricciuto. We could spend all day talking about the contribution made by people of Italian background. Of course, you also see people of Italian descent who have taken up a career in public life—and I look across at the Hon. John Gazzola and the Hon. Carmel Zollo. On this side of the chamber, we had the Hon. Julian Stefani, and in the other chamber we have David Pisoni, the member for Unley, and Tony Piccolo, the member for Light. So, the Italian influence on our community is as strong as ever.

When the tragic earthquake occurred earlier in the year, not just the Italian community but the whole South Australian community decided they wanted to put their hand in their pocket to help our friends on the other side of the world. I think this shows that this community has links with the Italian community both here and in Italy, and that has been serviced and fostered by having a consulate here in Adelaide. Certainly, the opposition has a view, which I think is shared by everyone in this place, that the closure of the consulate is a backward step. The Premier said yesterday that there were 14,000 people holding Italian passports and that around 100,000 South Australians are of Italian origin. So, it is a significant group of people. I am disappointed the Italian government has made this decision, which I am sure is a result of the global financial crisis we are facing.

I had the very good fortune to accompany the Hon. Jane Lomax-Smith to the 90th anniversary of the Battle of the Somme, in Europe. I was sitting next to an overseas Italian member of parliament. I do not recall his name, but I think he lives in Melbourne; he is an older gentleman. It intrigued me that the Italian government has these members of parliament all around the world. I am sure those members of parliament will not like my next comment, but I wonder whether the priority should be to keep the consulates open to support these communities and maybe not have so many overseas members of parliament. In the discussions we had over the long flight, I discovered that it is not cheap to fund members living on the other side of the world, and there are quite a number of them.

I hope the Italian government has its priorities right. We do not think that it has, and we strongly support the government's motion and strongly urge the Italian government to reconsider its decision and keep the consulate open here in Adelaide to support the community and the South Australian economy. I think it would provide some wonderful benefits, and we strongly support the motion and urge the Italian government to reconsider its decision.

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

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO BOGUS, UNREGISTERED AND DEREGISTERED HEALTH PRACTITIONERS

The Hon. I.K. HUNTER (17:22): I move:

That the final report of the committee, on an inquiry into bogus, unregistered and deregistered health practitioners, be noted.

Before providing an overview of the inquiry's findings and recommendations, it is necessary to define some of the key terminology used in this inquiry. In South Australia, as in other Australian jurisdictions, healthcare services are provided by a range of both registered and unregistered

health practitioners. The term 'registered health practitioner' refers to a health practitioner registered under one of South Australia's health regulation acts. Examples include doctors, nurses and dentists—examples with which we will all be familiar. In contrast, the term 'unregistered health practitioner' refers to a health practitioner who is not registered under one of these acts. This includes, among others, naturopaths, herbalists, homeopaths, massage therapists, psychotherapists, counsellors, speech pathologists and a range of other complementary and allied health practitioners.

The inquiry also examined the conduct of deregistered health practitioners. For the purposes of this inquiry the term 'deregistered health practitioner' refers to a practitioner whose registration under the South Australian Health Registration Act has been cancelled or suspended as a result of disciplinary proceedings.

The committee commenced hearing public evidence on 17 March 2008 and completed its hearings on 16 February 2009. In total, 90 submissions were received, consisting of 73 written submissions and 17 oral presentations. Before going further, I take this opportunity to thank other members of the committee for their contribution: first, from the other place, Mr Adrian Pederick, Ms Lindsay Simmons and the Hon. Trish White. It should be noted that the Hon. Trish White was responsible for having this matter referred to the Social Development Committee for investigation. From this chamber I thank the Hons Dennis Hood and Stephen Wade. I also acknowledge the great work and thank the staff of the Social Development Committee for their contribution to our report.

But, most of all, on behalf of all committee members I thank those individuals who were prepared to provide intensely personal accounts as evidence to the inquiry, either through written submissions or by appearing in person before the committee. In many cases giving such evidence meant reliving an incredibly painful experience. This was not an easy thing to do but really deepened the committee's understanding of the issues before it.

ABS data over recent years has revealed a significant rise in the popularity of many unregulated therapies and treatments. Evidence shows that a great many health consumers are increasingly consulting unregistered health practitioners. From the outset, the committee agreed and acknowledged that many unregistered health practitioners perform an important and legitimate part of health servicing to consumers and that the majority are reputable. That noted, evidence presented to the inquiry suggested that some unregistered health practitioners are not of such good reputation.

The inquiry primarily concentrated on those unregistered practitioners who make extravagant claims they cannot substantiate and encourage unsuspecting consumers to spend significant amounts of money on so-called therapies that are, at best, ineffective and, at worst, dangerous. Such practitioners are often skilled at exploiting people's fears and creating a sense of hope based on deception. While some of these practitioners may be delusional, convinced that they are actually able to cure serious medical conditions, the evidence presented to the committee suggested that others are driven by greed and, in some cases, sexual gratification.

Although the committee received evidence of a number of instances of alleged misconduct, it is difficult to quantify the extent to which bogus, unregistered health practitioners operate in South Australia. Overall, the number of reported cases is low. However, the inquiry heard that shame and embarrassment often prevent individuals from coming forward. Moreover, in cases where an individual has died, it can be very difficult for a surviving partner or family member to pursue a complaint.

Notwithstanding these factors, the inquiry received evidence on a number of specific allegations of serious misconduct. These included an allegation that Mr Lubomir Batelka, an unregistered practitioner, claimed that he could provide a 50 per cent cure for cancer using ozone therapy, and had insisted that the patient sign a confidentiality form. Further, an allegation that Ms Elizabeth Goldway, an unregistered practitioner, had promised to cure a woman of her breast cancer dissuaded that woman from continuing with conventional medical treatment and required in excess of $5,000 in cash payments. The inquiry heard that this practitioner also displayed a prominent sign outside her premises that read, 'You don't have to die from cancer or any other sickness.'

Further, the committee heard an allegation that an unregistered massage therapist, Ms Elvira Brunt, had claimed, while massaging a man dying of bowel and liver cancer, that she could feel his tumours shrinking. The inquiry was also told of an unregistered practitioner,

Ms Monika Milka, whose treatments, consisting of injecting small quantities of various substances and saline under the skin, resulted in at least six people suffering from skin abscesses and one person developing mycobacterial infection, a condition that is particularly difficult to treat.

The committee was shocked by the evidence presented to it. The evidence raised serious concerns about some unregistered practitioners whose training and qualifications, if any, are highly questionable and who make unsubstantiated claims about cures for cancer, or employ techniques and procedures that are unsupported by any credible evidence whatsoever. According to the evidence presented, the services of bogus health practitioners are commonly promoted by word of mouth. Quite often testimonials espousing the benefits of a particular therapy or product are put forward as a way of convincing consumers that a therapy will have benefit.

The inquiry also heard about bogus practitioners displaying dubious credentials, in some cases purchased directly from online universities. Indeed, as part of its investigation the committee sighted a number of websites that award academic degrees based on life experience and promise hassle-free delivery of bachelors, masters and doctorate-level degrees in a variety of subjects. Many of these websites use catchy slogans, such as 'Earn a degree for what you already know'. These websites assure prospective clients that volunteer activities, hobbies, military training, attendance at workshops and even independent reading, listening or writing are all considered legitimate qualifications by which a degree can be obtained.

The purchase price for these degrees varies and usually depends on whether an undergraduate bachelor degree or postgraduate degree is sought. Special package deals are also offered. For example, on one website the committee sighted, customers were able to purchase a high school diploma, a bachelor's degree and a master's degree for a combined discounted price of just over $US1,000. For an additional fee an academic transcript was thrown in for that price.

The committee also heard evidence about an expanding number of practitioners who now use the title 'Doctor'. The committee is concerned that the use of this title by some practitioners may give the impression that they hold medical qualifications when this is not the case. It can, and no doubt does, cause confusion to health consumers. The committee is certainly of the view that those individuals who use the title 'Doctor' need to be mindful of the context in which it is used, and ensure that the broader community is not misled in any way.

While most of the submissions received by the committee accepted the need for some type of regulatory reform, how this should be pursued was a point of considerable difference. The committee grappled long and hard with the difficult question of whether tighter regulatory measures should be established to deal with unregistered health practitioners and, if so, what type of regulation would be the most appropriate. The committee considered a number of regulatory models ranging from self-regulation at one end of the continuum to reservation of title and whole of practice at the other. The committee has recognised that each regulatory model has its strengths and weaknesses.

After weighing up the pros and cons of a broad range of regulatory options the committee has decided, as the inquiry's main recommendation, to call on the state government to introduce new legislation to better regulate the broad range of unregistered health practitioners providing services in this state. In doing so, the committee has recommended that the government should closely examine other regulatory models introduced in interstate jurisdictions.

In particular, the committee considers that there is merit in the development and implementation of a code of conduct similar to that which exists in New South Wales. It also considers that there is merit in establishing a statutory registration scheme for Chinese medicine practitioners, acupuncturists and Chinese herbal dispensers similar to that which has been introduced in Victoria.

The committee is also calling on South Australia's Health and Community Services Complaints Commissioner to take a much tougher approach in publicly naming dodgy unregistered health practitioners. The committee understands that the decision to issue a public health warning in relation to an individual practitioner should not be made lightly, nor should it occur without procedural fairness being afforded to the individual concerned. However, once those matters have been attended to, action to publicly identify individuals who exploit or represent a risk to the health of consumers should be taken. To that end, the committee has resolved to call on the Health and Community Services Complaints Commissioner to report back on the progress made in dealing with complaints about unregistered health practitioners.

In total, the committee's report contains 21 recommendations. This includes recommendations calling on the state government to:

- better educate health consumers so they are able to differentiate between credible health claims and those that are exaggerated;
- ensure that all health practitioners display only legitimate and properly accredited qualifications in their workplaces; and
- urge the commonwealth government to strengthen the capacity of the Australian Taxation Office to clamp down on potential tax evasion by dubious health practitioners.

As mentioned earlier, the committee was also required to examine the practices of deregistered health practitioners; that is, those practitioners whose registration under a South Australian health registration act has been cancelled or suspended as a result of disciplinary hearings.

The committee notes that health practitioners who have been deregistered are not necessarily bogus and in and of themselves do not necessarily pose problems to health consumers. However, the committee heard evidence of instances in which health practitioners had been deregistered for unethical or unprofessional conduct but who had subsequently rebadged themselves so as to be able to practise in an unregulated area of health care. For example, the committee heard of a case involving a psychiatrist who, after being deregistered, had established a practice as a counsellor. In another case, a deregistered general practitioner set up practice as a nutritionist.

The committee is of the strong view that any registered health practitioner who has been deregistered on disciplinary grounds should not be able to set up practice in another area of health care without appropriate review. To this end, the committee has recommended that the government consider legislative amendments to all relevant health legislation to ensure that in such instances deregistered health practitioners are unable to establish themselves under a different title in an unregulated area of health care.

In summing up, the provision of health care services is not something that should be undertaken lightly. Yet for too long we have allowed anyone to practise in unregulated areas of health care without any proper checks and balances—no checks on competencies, safety training or occupational health and safety competency.

It grieves me and it makes me very upset to read today on the Adelaidenow website that a young baby has died at a clinic of Ms Elvira Brunt, one of the persons of interest in our report. There is scant information available at this stage. I do not want to jump to any conclusions until the proper investigations have been completed. However, it concerns me greatly. I also do not want to compound the grief of the parents of the poor child, so I will refrain from commenting further at this stage. However, it is time that the situation that currently exists is changed.

The committee certainly considers that it is important that people who are seriously ill are supported and given hope, but the committee is clear that they should not be given false hope by shonks and rip-off merchants. Bogus practitioners who make claims of curing cancer or other terminal illnesses are particularly insidious.

As harrowing as this inquiry was, the committee was pleased to have the opportunity to thoroughly investigate this area and to put forward recommendations that it feels will better safeguard the public while strengthening community confidence in the health care system.

Finally, the recommendations put forward by the committee should not be seen by legitimate unregistered health practitioners an as infringement of any kind. They need not fear the committee's recommendations. Rather, what has been proposed by the committee is a series of measures to reduce the likelihood of charlatans and shonks setting up practice and passing themselves off as trained health professionals.

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

ADMINISTRATIVE DECISIONS (EFFECT OF INTERNATIONAL INSTRUMENTS) ACT REPEAL BILL

The Hon. M. PARNELL (17:35): Obtained leave and introduced a bill for an act to repeal the Administrative Decisions (Effect of International Instruments) Act 1995. Read a first time.

The Hon. M. PARNELL (17:35): I move:

That this bill be now read a second time.

This bill is identical to one that I moved in this place on 7 February 2007. That bill lapsed when the parliament was prorogued a few months later. I have brought it back to the parliament now because the topic of international treaties and their role in South Australian government decision making is back in the public eye, particularly in relation to two important issues: first, the fate of the Lower Lakes and the Coorong; and, secondly, the ongoing and reinvigorated debate about juvenile offenders and how they are treated.

When introducing the bill two years ago, I went through in some detail the history of this legislation that I am seeking to have repealed, and the origins of that act that come out of attempts by the federal government to circumvent a High Court decision. That decision, the famous Teoh case in 1995, included a finding by the court that we as Australian citizens have a 'legitimate expectation' that our ministers and public servants would have regard to international treaties that Australia has signed, regardless of whether or not they had been enacted in domestic law. I do not propose to go through that historical exercise again, and I refer members to the comments I made on 7 February 2007. However, what I want to do in reintroducing this bill is update the situation in relation to those two current South Australian issues that I mentioned—the Lower Lakes and Coorong; and juvenile detention, in particular, the Magill Training Centre.

Members would be aware that Pam Simmons, the Guardian for Children and Young People in this state, has been vocal in her criticism of the Magill Training Centre. I first asked a question about Magill in this place on 22 November 2006. When asking the question, I prefaced it with these remarks:

In her 2005-06 annual report, the Guardian for Children and Young People, Pam Simmons, refers to the Magill Training Centre and says:

'...is a cheerless institution which inhibits proper care and behaviour change. The facility falls well below national standards for both youth and adult detention facilities, it contravenes United Nations rules for the Protection of Juveniles Deprived of Liberty and is potentially in violation of Article 40 of the United Nations Convention on the Rights of the Child'.

Quite remarkably, in her answer to my question, the former minister for correctional services said this:

I place on record that there will be a new youth detention centre to be redeveloped at Cavan at a cost of $79 million—we obviously heard that in the budget. It is a figment of nobody's imagination; I can assure the honourable member that it will be going ahead.

Clearly, it did not go ahead and is not likely to go ahead in the foreseeable future, so that new facility is still only a figment of the government's imagination.

Pam Simmons referred to a potential breach of the Convention on the Rights of the Child, which is a treaty that was ratified by Australia in 1991, and she referred to Article 40. I will read the first paragraph of Article 40 of that convention. It says:

States parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

What we have to remember regarding these young people is that they have, in the main, long lives ahead of them. Those lives could be constructive, worthwhile and happy or they could be anti-social, deprived and criminal. The philosophy of pack 'em, rack 'em and stack 'em has no role in juvenile detention unless we are determined to make adult offenders out of child offenders.

Members would be aware that Monsignor David Cappo, the social inclusion commissioner, has been vocal on ABC Radio, and elsewhere, talking about the Magill Training Centre. On ABC Radio recently he said:

The Magill Training Centre is a disgrace. It needs to be bulldozed and demolished.

Reporter David Bevan asked him:

Is it possible to treat people humanely in the Magill Training Centre?

David Cappo's response was:

No, it's impossible. The facility is totally inappropriate and must go.

That call has been picked up elsewhere and expanded upon. Yesterday, Mission Australia called on the South Australian government to set a target to reduce the number of young people in juvenile detention. Mission Australia's director, Jillian Paull, said that the number of young people in detention in this state is increasing, and she wants to widen the debate around the poor living conditions at the Magill Training Centre. She is quoted in the media as saying:

> What I'm saying is let's have a broader debate about what are the other options we could be offering these young people and their families.
>
> Whilst we absolutely appreciate the need for a safe and secure place for young offenders to be living, we also need to be offering them something that prevents them being detained and offending in the first place.

So, there we have an example—not a new example. In fact, the concerns were raised years ago and they are still as alive today as they were back in 2005, because we are seeing a South Australian facility failing to comply with international standards. The relevance, of course, to my bill is that my bill seeks to repeal that law on our statute book that says no public servant, minister or government official can be held to account for not taking into account the provisions of an international treaty that Australia has signed.

I will explore a little bit more the legal implications of that, but I also want to mention briefly the situation in the Lower Lakes and the Coorong. No member can fail to be aware of the dire situation of the lower reaches of the River Murray system. We have seen on the news just in the past day or so the government aerially spraying lime onto areas of the Lower Lakes to prevent acidification occurring. They are in an absolutely desperate state. They are also, of course, listed under an international treaty as wetlands of international significance. That is the so-called Ramsar convention that members will be aware of.

The commonwealth must take that convention into account because it is incorporated into commonwealth law. It is part of the Environment Protection and Biodiversity Conservation Act. However, state decision-makers—by virtue of this act of parliament from 1995 that I am seeking to repeal—are fully protected even if they completely ignore the provisions of that treaty. My position is: why shouldn't state officials have to have regard to that international treaty in the same way as commonwealth decision-makers? It is not as if we do not know that it is internationally listed. The Premier and others have mentioned many times that this is an internationally listed wetland, particularly important for its role as a habitat for water birds.

In conclusion, I want to address the question of what passing my bill means for decision-making in South Australia. When I first introduced this bill, I made the comment that the effect of repealing this act has more to do with the psychological barrier that our public servants and ministers have in relation to their response to international treaties, rather than any direct impact on South Australian citizens and their rights. The act that I am seeking to repeal says to our administrative decision-makers, 'Feel free to ignore international treaties. In South Australia they are not worth the paper they are written on.' That is why I say that the act should be repealed—to remove that barrier to proper decision-making.

One question that people might be anxious about in considering whether to support my bill is: if my bill were to pass, would that force the government to bulldoze the Magill Training Centre and build a new facility? No, it would not. It does not force the government to do anything. Does passing my bill guarantee that the Wellington weir will not go ahead? No, it does not. It does not impact directly on any of these decisions. What my bill does do is put pressure on the South Australian government to at least recognise and take into consideration these international treaties when it is making decisions about our community, our economy and our environment. So, it really is quite a simple measure.

I have mentioned in the past that South Australia is the only jurisdiction that has laws that protect public servants and ministers from the need to take international treaties into account. My bill does not give international treaties the force of domestic law. It is not some backdoor method of making them part of the South Australians statute book. What it does is say—as the High Court said—that South Australian citizens have a legitimate expectation that, if we have signed a treaty on a matter, at least our bureaucrats and ministers will take it into consideration when making their decisions. It will not bind them, but they will need to take it into consideration. The alternative is that we continue our hypocrisy as a nation in that we are a party to these international treaties with little or no intention of doing anything about them in practice.

Finally, I place on the record my thanks to Pam Simmons and David Cappo for having the courage to speak out against the inhumane and disgraceful conditions at the Magill Training Centre. I commend the bill to the council.

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

COMMUNITY TELEVISION FUNDING

The Hon. A. BRESSINGTON (17:49): I seek leave to move my Notice of Motion (Private Business) No. 8 in an amended form.

Leave granted.

The Hon. A. BRESSINGTON: I move:

That this council urges—

1. The Premier to call upon the federal government, in particular the Prime Minister and the Minister for Broadband, Communications and the Digital Economy, to provide appropriate and swift funding to enable community television to simulcast in both analogue and digital frequencies;

2. That the Premier, at the next meeting of the Council Of Australian Governments, insists that his state counterparts do the same; and

3. That the resolution be forwarded to the Premier, the Prime Minister and the Minister for Broadband, Communications and the Digital Economy for their urgent consideration.

As this is a matter of urgency for the community television industry, I will be asking that all members speak to this motion on the next Wednesday of sitting (15 July 2009) to allow ample time for the Premier to enter into discussions with his federal colleagues.

I rise today to bring this council's attention to the dire predicament that community television, both locally and nationally, is facing. Unlike other mainstream television broadcasters which simulcast in both analogue and digital frequencies, community television networks are being forced to languish on analogue by the inaction of the current and previous federal governments.

I am assured by the sector that we are staring at the imminent demise of community television, not just in South Australia but nationally, if adequate funding to make the transition to digital broadcasting is not provided post-haste. This would be a disaster. Community television serves many important functions. Channel 31, South Australia's community television station, promotes local people and events ranging from the Tour Down Under (a noted favourite of the Premier), which reached 19 million viewers, down to community level sports; specialist programs produced for and by ethnic communities in their own languages; and, my personal favourite, *The Noticeboard*, which has assisted more than 550 not-for-profit organisations gain the publicity they would otherwise struggle to receive. As the Premier noted, where else can programs designed specifically for deaf viewers be screened alongside a show about regional Italian cooking and classic Hollywood movies?

It also provides an important training ground for people wanting to enter the industry. Many of South Australia's brightest young media stars cut their teeth at Channel 31, including Kate Collins (host of *A Current Affair*), Tom Hicks and Caroline Hillman at Channel 9, and Kirsty Bennett at the ABC. Members may also be interested to know that Gold Logie winning presenter, Rove McManus, and the infamous duo, Hamish and Andy, also came out of community television in Victoria.

Then there are the grassroots volunteers. Currently, Channel 31 has more than 50 active volunteers with 320 members putting 100 hours of television to air each week. This has all been placed in jeopardy by Channel 31 not being able to digitally broadcast. If community television is left to die so, too, will the dreams of many South Australians, and we simply cannot let that happen.

The analogue signal will be switched off at the end of 2013. All major networks have already made the transition to digital—not without government assistance, I might add—and simulcast in both analogue and digital to ensure that they reach those consumers who are yet to make the transition. The federal government has run an extensive campaign encouraging Australians to purchase either a digital television or set-top box and, as of March this year, 47 per cent of South Australians had done as the federal government asked and converted.

The Hon. I.K. Hunter: I haven't.

The Hon. A. BRESSINGTON: Me neither; I cannot afford to update. However, for Channel 31, which is marooned on analogue, this means that its local content reaches less than

half of South Australians, and the proportion is getting higher as more people make the switch to digital. While the audience shrinks, inevitably so does the interest from sponsors and advertisers. As station manager Brian Dutton commented recently in the *Independent Weekly*, it is having an effect every day. This place—and, I hope, the federal government—must recognise the urgency of the situation.

Community television deserves our strong support, but instead it has suffered broken promise after broken promise. It is my understanding that this issue has been raised with the relevant authorities since the beginning of the decade, and community television has been consistently assured that the transition was coming. In 2006, mounting angst among the community television network at the delay in federal funding for the transition led to an inquiry into their predicament by the House of Representatives Standing Committee on Communications, Information Technology and the Arts. A report tabled in federal parliament on 12 February 2007, entitled 'Community Television: Options for digital broadcasting', recommended, among other things, that community television must be provided access to digital transmission by no later than January 2008. Of course, that did not eventuate.

Following complete silence in the Rudd government's first budget, the sector had high expectations for this year; however, yet again the promises made in the hallways went undelivered. This motion calls upon the Premier to do all he can to ensure that the federal government finally delivers on the promises made to community television and to ensure, for South Australia in particular, a sustainable future for Channel 31. I also urge this council to lead the way for community television nationally, and at the next meeting of state premiers to ensure that this issue is on the agenda and that those premiers be encouraged to advocate and lobby for community television in their own states.

As the Premier himself noted at a recent launch of Channel 31's improved transmitter—which, I hasten to add, broadcasts only in analogue—the transition to digital broadcasting cannot be at the expense of diversity and independence, something Channel 31 embodies. As the Premier also noted, Channel 31 has given a voice to community organisations, local events and leadership programs, and with the new transmitter there is now the opportunity for Channel 31 to reach more than 1 million people. However, and I reiterate, until Channel 31 broadcasts digitally that transmitter can reach only half its potential audience, and this is decreasing day by day.

At the launch of the new transmitter, the Premier did boast that it was digitally compatible. This state government contributed just over $200,000 to acquire this new transmitter; what a shame it would be if we now see the demise of this vital community service after the government has shown an interest in it. We can only imagine the frustration of the industry, being so close that they can almost touch the prospect of digital upgrade but still being far enough away that they have to contemplate that by next year the transmitter will not be of any use because they will have had to close their doors.

It is not as if the money being sought by community television would be a huge burden. In fact, the $3 million plus ongoing operational costs sought—and that is nationally—pales into insignificance compared to the government funding provided to the ABC and SBS, which received ongoing operational base funding of $698.7 million and $118.7 million respectively in this year's budget. I commend this motion to members, and it is my sincere hope that members' support will result in Channel 31 being brought into the digital age.

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

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) (17:58): I table a copy of a ministerial statement relating to South Australia moving to a new pandemic phase made earlier today in another place by my colleague the Minister for Health.

[Sitting suspended from 17:58 to 19:47]

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (NATIONAL ELECTRICITY LAW—AUSTRALIAN ENERGY MARKET OPERATOR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June 2009. Page 2550.)

The Hon. R.I. LUCAS (19:48): As other members have done in addressing the three pieces of related legislation, I intend to speak to this particular bill, but my comments generally cover the three pieces of legislation. We have had the opportunity on a number of occasions to express our views on the development of the national electricity market and related issues. For those avid readers of *Hansard*, my contribution was last made on 23 October 2007, and then, prior to that, on 5 April 2005, in relation to some of the many issues that are raised in relation to the establishment of the market, some of the teething problems along the way, the teething problems that continue, and the results which we see with further legislation again in the parliament at the moment.

I do not intend to repeat all the views I expressed on those two previous occasions. I want to summarise briefly only two issues. The first is by way of rebuttal to statements made by the Minister for Energy in another place. The first point is—and it is sometimes repeated by the minister in this chamber and other members—that the principles of the national electricity market were agreed between a state Labor premier and a federal Labor prime minister in 1993.

It is often misreported by the Leader of the Government and the Minister for Energy that it was the former Liberal government that established the national electricity market. Certainly, the former state Liberal government and the former federal Liberal government did many of the hard metres in relation to the establishment of the market, but the original COAG agreements and principles were established between the then premier Lynn Arnold and I suspect prime minister Keating, but a federal Labor prime minister.

The point is that the origins of the national electricity market started with Labor governments. They were supported at the time by Liberal governments; were further implemented by Liberal governments over the next eight or nine years; and have continued to be implemented by the current state Labor government and the federal Labor government as well. Both of the major parties at state and federal level have implemented the national electricity market reforms.

The second point concerns one of the ongoing debates in relation to the national electricity market and the issue of private ownership or government ownership, which, of course, was a controversial issue under the former state Liberal government in the late 1990s and the early 2000s, when the state Liberal government, supported by some key Labor members of parliament (who were then expelled from the party), passed legislation through both houses of parliament.

We said at the time that the issues of private operation and ownership of the major electricity entities would be the way of the future and, of course, Victoria predated South Australia. Most recently, in the budgets and policy decisions of both Queensland and New South Wales, we have seen the governments in both those jurisdictions proceeding inexorably down the path of privatisation to the extent that they can get support from their caucuses and their communities. Their models are slightly different; nevertheless, the direction is quite clear.

What is driving this is one of the reasons we gave when we had this debate, namely, that the whole notion of a national electricity market, which was supported by both the Labor and Liberal parties, the notion of having government owned and operated businesses operating in the national electricity market, was not a good recipe for success for taxpayers, and I guess that was the point of view put simply by the former Liberal government and those who supported those policies.

Without recounting all the debate, I will read a statement which was made by the current minister and which I quoted in my 2007 contribution. During the estimates committees in the House of Assembly in 2007, minister Conlon indicated that one of the reasons the private sector operators were not putting money into generation was the absence of greenhouse policy. He went on to argue, as follows:

> What they do not know is what that cost will be and when it will be incurred. You would have to build $2 billion worth of plant, not knowing over the lifetime of the plant what the significant increased cost would be and when you will incur it. That means that no-one is building new coal burning plants, except possibly the Queensland government, which has the benefit of owning its assets and can take the risk that a business would not.

There in one sentence is exactly the reason that you would never want to leave a minister of government, such as minister Conlon or any other Labor minister, in charge of electricity businesses. What minister Conlon was saying was that private sector people would not put the sort of money into building coal fired generation plant at the moment because of the concerns at that time (which still continue) in relation to greenhouse gas policies. However, he also said that, if you

had a government owned asset, the government might make those non-commercial decisions and take the risk because it was taxpayers' money they were risking. In essence, if the taxpayers lose the money, it is no skin off the nose of the Labor minister.

That was the view minister Conlon put just over 18 months ago when we debated this issue at that time. As we look at it two years down the track, we are in exactly the same position: we still do not have resolution of the emissions trading policies of the federal government. People are trying to invest in generation assets to participate in electricity businesses, not knowing what the policy framework will be for those electricity businesses in the current environment.

I guess that you will never get an answer from minister Conlon, Treasurer of Foley or Premier Rann on this issue, but I say to them: just talk to someone in the electricity market and ask how much the electricity generating business in the Port Augusta area would get on the open market if it were being privatised as we speak in 2009. Of course, the answer would be: in the current climate, very little, if anything at all, in relation to the value of those businesses.

That is what governments in other jurisdictions—that is, in New South Wales and Queensland—are already finding. As they look to go to market for some of their generation assets, they are finding a considerable reluctance from bidders (a) because of the value and (b) because they are not aware of what the policy framework will be. Of course, as we said at the time, that would be one of the risks of owning and operating an asset in the national electricity market, and the view put by the then Labor opposition (now Labor government) was that it did not accept that argument.

As I said, those are the two issues I wanted to revisit from the broad policy debate we had in 2005 and 2007. Having read my contributions on those occasions, I do not resile from them. I am always happy to enter into a debate with the government ministers on the issues, if they so choose.

The legislation before us moves to the next step of the national electricity market development and the establishment of a new body with the unfortunate acronym of AEMO (the Australian Energy Market Operator). Mr President, I am sure you are aware that emos are the very unhappy looking people one sees in the CBD wearing black clothes, white foundation and red lipstick. Their music love is a derivative of hard-core punk, and they are generally not happy with their life. That acronym—AEMO—has been chosen by minister Conlon and his confreres for the new regulatory body that is to be established.

When one cuts through all this legislation, in recent times one of the arguments of Labor ministers, both federal and state, and also of the former federal Liberal minister, has been that, 'We,' being the jurisdictions, 'are going to deliver a significant reduction in the number of regulatory authorities'.

I sort of revisited that point in the last debate. However, when one looks at it now, AEMO will replace the old body, the National Electricity Market Management Company (NEMMCO), but the other Australian regulatory body, the Australian Energy Regulator (AER), will continue. We understand that ESCOSA, which is the South Australian-based industry regulator, is going to continue, but we will obviously pursue that during the committee stage of the debate. The Australian Energy Market Commission (AEMC) will continue, and there is an ongoing role for the ACCC, albeit I think a slightly reduced role, and various other bodies will continue at the national level. I understand the state-based regulators in the other states will continue to operate.

Really, the only change in this is that ESIPC is to be absorbed, I suppose. ESIPC is a South Australian organisation rather than a national organisation, and I will express views on the proposed removal of the Electricity Supply Industry Planning Council from the planning framework.

So, all of those bodies will continue to operate. We are really looking at this new body AEMO, which, according to the second reading explanation, will take on a variety of new functions from a number of other bodies in the other states but, in relation to South Australia, the Electricity Supply Industry Planning Council.

The second reading explanation indicates that, for the first time, an important part of the reform will be that government members will retain 60 per cent of the voting rights of the not-for-profit company limited by guarantee, and industry members will have the remaining 40 per cent of voting rights, with these arrangements subject to review after three years. Can the government indicate what the proposed mechanism will be to fill the 60 per cent of voting rights issue for AEMO and the 40 per cent for industry members? For example, how will industry members be either elected or nominated? What is the proposed process for the 40 per cent right block, and what will

be the structure in relation to how the government 60 per cent voting right block will operate? Subject to the answers to those questions, there may be a series of further questions during the committee stage.

In relation to the arrangements being subject to review after three years, can the minister indicate what body has been authorised to conduct that review of the arrangements after three years? Is it to be the Ministerial Council on Energy, or will some other body conduct the review? Will it be a review of the 60 per cent and 40 per cent issue, or will it be a review of AEMO more generally? Could that review result in the industry membership being removed or reduced, or is it only to either confirm the 40 per cent industry membership or the possible increase of the voting block for industry members in terms of the management of AEMO?

On the second page of the second reading explanation, there is a sentence about which I seek clarification. It states:

> As was highlighted in the MCE response, the NTP's independent, strategic view of the network will add value to the regulatory test assessments and the AER's revenue resets for Transmission Network Service Providers...This is because AEMO's ability to make submissions will assist in ensuring that local network investments complement the broader strategic direction of the network.

Can the minister clarify exactly what is meant by 'AEMO's ability to make submissions'? Is this AEMO making submissions to the AER in relation to regulatory test assessments and the AER's revenue resets for transmission network service providers; that is, will AEMO be making submissions to the AER on those issues, or does it refer in some way to AEMO's ability to make submissions to other regulatory bodies or agencies?

The second reading explanation goes on to indicate that the NTNDP (National Transmission Network Development Plan) must be published no later than 31 December each year. Can the minister indicate whether the first of those NTNDPs is intended to be approved and authorised by 31 December 2009 for the coming year 2010? My understanding from the second reading explanation is that the first publication is to be no later than 31 December 2010. So, I assume that it is for the 2010 year.

The second reading explanation goes on to refer to the establishment of regional offices of AEMO. Can the minister outline what are the agreements the governments have entered into in relation to regional offices of AEMO, in particular, the decision-making authority? What will be the level of the most senior officer for any AEMO office, which I understand is to be established in Adelaide? What staffing and resources are intended to be made available for AEMO?

The second reading explanation goes on to say that AEMO will also take responsibility for the planning functions currently performed by the Electricity Supply Industry Planning Council. As did some of my colleagues in the House of Assembly, I express my view that minister Conlon and the South Australian government have been sold a pup in relation to the abolition of the Electricity Supply Industry Planning Council. Even minister Conlon may have had to concede through gritted teeth that the Electricity Supply Industry Planning Council has been a most important body, established by the former government as part of its regulatory arrangements for the national market in South Australia. It has provided considerable advice, information and expertise in relation to future planning needs from a particular South Australian perspective or viewpoint.

Given the debate we had in the late 1990s and early 2000s, that was a most important initiative, we believed, in relation to ensuring that the electricity needs of South Australia were well protected, bearing in mind that we are obviously a small component of the national market, dominated by New South Wales, Victoria and Queensland. We have been sold down the drain by minister Conlon and the government by their agreeing to get rid of the Electricity Supply Industry Planning Council, its expertise and its particular South Australian focus.

I know that the government will argue, as I understand it, that AEMO and its regional office will take on the function of the Electricity Supply Industry Planning Council. That is an issue we will need to explore in some detail in committee because AEMO will be a national body, even though there might be regional offices—and that will be a sop to this argument, that we will have an office here, but that office will be controlled and dictated by the national approach that AEMO will necessarily have. We will need to look at exactly what powers the South Australian minister in future will have.

Further on in the second reading explanation it says that AEMO will have a specific role in providing information to the South Australian government to assist in the management of the energy sector. We are being asked to accept that AEMO, a national body looking at things from the

national electricity perspective, will be asked by minister Conlon at the moment (or a future South Australian energy minister) to take off that hat and give us advice in relation to the management of the energy sector in South Australia. The inevitability of this is that a body, which will start with a national focus and take on more of a national focus in terms of national regulatory arrangements, will inevitably tailor its advice to the South Australian government with the view of the national regulatory arrangements at the forefront.

The minister will argue that he can ask this body to take over the role of ESIPC and provide advice to the South Australian government in terms of how we manage it, but ESIPC is there with a particular South Australian focus. It provides independent advice and does not always necessarily agree with the views of the South Australian government at the time. It has operated compatibly, sympathetically and without any rancour over the period of its existence with the Labor government, but it has been a body of expertise in relation to medium and long-term planning issues, which are important in relation to South Australia's future.

Whilst we are all supporting a national electricity market (Labor and Liberal are supporting such a market), there is nothing wrong within the context of that market with having a particular body with expertise and a focus of looking after our best interests and providing us with advice with our best interests in mind, providing us with advice, as we go off to the ministerial council or to national bodies, in relation to the particular South Australian focus that might be best for South Australia in the national electricity market.

Inevitably with a national market we have to accept compromises. There will be some decisions that will not be in the best interests of South Australia because the greater being of the market and the eastern states will outweigh the benefit or loss to South Australia on a particular decision. Inevitably with a national market we will have to accept that that might be the case, but at least with bodies like ESIPC, and with the expertise that might be available within the various government departments working within this area, we have the capacity to have a particular South Australian focus.

The die has been cast, the deals have been done and South Australians have been sold down the drain in relation to this aspect of the decision. Further down the track we will look back and lament the loss of ESIPC. I hasten to say, in concluding my remarks on ESIPC, that there is nothing that I see—and I challenge the government and its advisers to put it to me—that requires us to get rid of ESIPC. Certainly, it was desired (as were all of those sorts of things), but there is nothing that I can see that would have prevented our agreeing to AEMO and what is essentially in this legislation and having a continued ESIPC, maybe with slightly refined terms of reference as a result of the establishment of AEMO (and I accept that there may well have to be some revision in relation to that).

Certainly, in relation to its role in providing advice to the South Australian government and the community and those sorts of issues, and looking after South Australia's interests, there is nothing in the national agreements that I can see that requires us to get rid of ESIPC. This has been a decision that minister Conlon, Premier Rann and the government have taken to sell our interests down the drain in relation to the national electricity market. As I said, I think that further down the track we will lament the loss in this area.

The second reading explanation goes on to state that AEMO's revenue for its Victorian TNSP function is not subject to approval by the AER. I found that a curious reference, and I have asked the minister to clarify exactly what is meant by that and what is the reason for the fact that it is not subject to approval by the AER. Is it not the case that, in relation to the other states in the national market, the equivalent decisions will be subject to approval by the AER? If that is the case, why is Victoria being treated differently from South Australia and the other states in the national electricity market when these arrangements are in the legislation?

There are some issues in relation to the requirements for gathering information. That is referred to in the second reading, but I will come back to it later in my contribution. It relates to what is known as MIOs and MINs. There are so many acronyms in this area and, for the benefit of Hansard, I will try to find exactly what it means (I think it is a ministerial information order, or something like that). It is an MIO and an MIN issuing power for the new body AEMO. I will come back to the other aspects of the second reading later in my contribution.

In relation to the Electricity Supply Industry Planning Council, again, there was another aspect about which I wanted to seek information from the minister, and that was in relation to the issue of load shedding, which was the subject of some debate in the House of Assembly. I think the

member for MacKillop raised some questions in relation to load shedding, and minister Conlon said that the government had sought from NEMMCO a report on load shedding. He then referred to what he described as a fairly pointless debate about a list of information held by ESIPC instituted by the previous government: 'From memory, it was no more than a list of feeders'.

That was the debate we had in recent times when, I think, *The Advertiser* and other sections of the media were running the line of wanting to know, when there was load shedding, whether or not the public should know which suburbs would next be cut off as part of the load shedding arrangement. I think the minister and the government indicated that they were supportive of releasing that information but, in the end, they did nothing about it.

ESIPC was a part of that, so I seek from the government an explanation of what the current arrangements are in relation to load shedding and the public release of information about which suburbs will next be cut off and for how long and, if the government is now going to get rid of the Electricity Supply Industry Planning Council, how that will be changed. AEMO takes over the function of the Electricity Supply Industry Planning Council, but I understand that, in relation to this issue of load shedding, there is to be a role for the South Australian Technical Regulator.

If my understanding is correct, I ask the minister to outline what, if any, role the Technical Regulator has at the moment in relation to load shedding and, under the new arrangements, what the role is intended to be and, if this legislation is passed, if the Technical Regulator is to take over the responsibility for this, what is the technical position in relation to the releasing of the information that the minister recently said he was quite happy to release publicly in relation to load shedding?

If we move to this new framework, will the Technical Regulator be releasing this information, whose decision will it be whether or not this information is to be released and, importantly, does the minister in South Australia have directive capacity over the Technical Regulator in relation to the release of this information?

I am not talking about the other aspects of the work of the Technical Regulator but, if the Technical Regulator is to have a role in relation to this load shedding function, will the Minister for Energy in South Australia have any directive power or function over the Technical Regulator in relation to the release of load shedding information? Given the recent public focus on that, I forewarn the minister that it is an issue that I intend to pursue in the committee stage, subject to the answers that the minister provides.

The next issue I want to raise relates to the relationship between the Ministerial Council on Energy and the Australian Energy Market Commission (AEMC). When we considered this matter in 2007, we had a long debate about the statement of policy principles by the MCE. To cut that long debate short, essentially the government's position was that the MCE could issue a statement of policy principles but that the Australian Energy Market Commission could, in essence, ignore the views of the politicians on the Ministerial Council on Energy. So, the AEMC had to consider the views of the ministerial council but, ultimately, it was supremely independent. It could disagree, and all it had to do was publish the reasons for its decision.

My questions to the minister are: in the past couple of years, have there been any examples where the Ministerial Council on Energy has issued a statement of policy principles which the AEMC has considered and chosen to disagree with, publishing its reasons? I also want to follow up on the 2007 debate on the issue of nodes within the electricity market. For example, the state of Queensland might have been divided up into two or three nodes rather than being treated as a state in relation to transmission network policies. The minister said that this was an issue that was still being discussed. I note that it was being discussed when I was minister 10 years ago.

Can the minister indicate whether or not there has been any progress at the ministerial council level or at any regulatory authority level in relation to the introduction of nodes in the policy framework of the national electricity market? Also in relation to that, I note that, in the 2007 debate, I made reference to the release of a statement in early 2007, I think, by the Essential Services Commission of South Australia, indicating that it had done an analysis of electricity prices for households in South Australia's electricity market in 2007 compared to the start of the competitive market in South Australia. The independent regulator had reported that prices, in real terms, were essentially the same as they had been at the start of competition in South Australia.

Can the government advisers give me a reference to that analysis—on one of the websites or in one of the many reports of the Essential Services Commission—in 2007? More importantly, are the government's advisers aware of a similar analysis done for 2008 or 2009, by either the

independent regulator of the Essential Services Commission, or by the government's own advisers, in relation to the impact on the average residential household of the cost of electricity in 2008 or 2009 compared to the start of the competitive market? When I come to some of the other issues—the issue of retail pricing in particular—that information will be an important part of the debate.

One of the issues that we have debated every time—and we will obviously debate it this time—is the never-ending tranches of legislation that we see for the introduction of the national electricity market. When we debated this matter in 2007, we were told that there would be another tranche of legislation to come through in relation to the retail sector. We did the transmission tranche in 2005 and we did the distribution tranche in 2007, and we were told during that debate that we would see the retail sector tranche of legislation some time in 2008. Well, we did not see that tranche of legislation in 2008 and, so far, we have not seen it in 2009, unless it is well hidden in this particular package of legislation.

So, my question to the minister is: when is it intended that we will see the next tranche of national electricity market legislation relating to the critical retail sector? I assume that we will not see it this year and therefore we will not see it prior to the 2010 election. Does that therefore mean that the South Australian parliament will not consider the retail sector tranche of legislation until mid 2010, at the very earliest?

That is obviously a critical part of the whole debate about the national electricity market. I remind the minister that, during the debate in 2007, I placed on the public record aspects of the intergovernmental agreement that the South Australian government had entered into with the commonwealth government and all other states. We had a copy of that, which was tabled during that particular debate. It was an agreement signed by the Premier of South Australia on our behalf. I think he signed it some time in May 2006, straight after the last state election. The agreement states:

> The parties reaffirm their commitment to full retail contestability in accordance with the national competition policy agreements.

Further on, clause 14.11 of this agreement states:

> All parties agree to phase out the exercise of retail price regulation for electricity and natural gas where effective retail competition can be demonstrated and that:
>
> (a) the AEMC will assess the effectiveness of competition for the purpose of retention, removal or reintroduction of retail energy price controls, whereby:
>
> (i) the criteria for assessing the effectiveness of competition will be developed by the MCE in consultation with the AEMC and other interested parties based on the principles set out in Annexure 3;
>
> (ii) the assessment process will commence from 1 January 2007 starting with those jurisdictions most likely to have effective competition; and
>
> (iii) reviews will be conducted biennially, unless the AEMC recommends otherwise, until all retail energy price controls are phased out or at the request of a party thereafter;

There are various other aspects of the price regulation in that clause, but I will not read them all.

That agreement was signed on behalf of South Australia by Premier Rann on 10 May 2006. In essence, what the South Australian government signed up to said that South Australia will commit to full retail contestability and will give up retail price regulation—that is, retail price caps—in the South Australian market where effective retail competition can be demonstrated.

I understand that the AEMC has conducted its report. We were told in 2007 that the AEMC final report on the South Australian review would be due in December 2008 and that the South Australian government had to provide a public response to the AEMC's advice within six months of receiving that final report. If it is correct that the AEMC's final report was produced by December 2008, then by the end of this month the South Australian government has to provide a public response to that advice. So I ask the government: was that AEMC report produced in December 2008? If it was not, when was it produced, and when is the South Australian government's response due?

My understanding is that the AEMC report said (as I predicted in 2007) that there was effective retail competition in the South Australian market; they said that in Victoria, and I understand they have said that in relation to South Australia. Our government, our Premier, has said that if there is effective price competition then it will get rid of retail price controls on electricity. Now, I do not think there is any doubt that one of the reasons we are seeing the delay in the

legislation is that the government does not want to make that decision prior to 2010; it would probably want to leave that decision for an incoming government to make after March 2010 or, should it be re-elected, it would be a decision the government would take straight after an election with four years to absorb any political heat that might ensue.

This is a critical part of this whole debate, as it was in 2005. At that time, and again in 2007, we had a long debate about various conflicting statements made by minister Conlon in the *Sunday Mail* and also in the parliament regarding this state government's policy. I am sure the minister in this council will be disappointed if we do not revisit this issue in 2009 during the committee stage to find out exactly what is the position of his government in relation to that important issue.

There is obviously some flow on from the debate in 2007 because we are told that we will have an AEMO office here in South Australia. In 2007 we were told that some of the staff from ESCOSA would go across to the AER, and I seek confirmation from the minister as to the number of staff and resources that went from ESCOSA to the AER office here in Adelaide. The commitments we were given in 2007 about how we would have a viable local office of the AER in South Australia impact on how we make judgments about commitments that the government makes regarding having a local office of AEMO, in relation to this particular legislation, as well as the office, staffing and resources arrangements for any regional office of AEMO in South Australia.

The next issue relates to the reserve trader arrangements in the national electricity market. In House of Assembly debate, the minister flagged an issue that I and others had been discussing—and, obviously, that he had been discussing in more important fora—in relation to changing the reserve trader arrangements. The minister conceded that those arrangements had not worked in the recent load shedding incident, because the decisions were taken at the start of the summer period and there was no ability, part way through that period, to move to a more flexible reserve trader arrangement. Whilst the minister has said that we should consider more flexible use of the reserve trader, I seek advice from the government, first, about what specific proposals South Australia took to the ministerial council—or any other regulatory authority—and when it did so.

One of the criticisms of the South Australian government during that last incident was that we did not have this arrangement. Certainly, if this issue had been discussed for some time at the national level, that is one thing and we had not made progress, but if the minister had not even taken up this issue at the national level prior to that particular incident, then I think criticism could validly be directed to the minister in the South Australian government; that is, they had not taken up those particular issues at the national level.

I return to the issue that I raised earlier in relation to the MIOs and the MINs that will be issued by AEMO. When one looks at the ministerial council website, what I will refer to as a discussion paper was issued in August last year, when comments from industry players were sought. They looked like they had to be submitted by September last year. When one goes through most of those submissions, one of the major criticisms made by industry players—and I will read some of them—was in relation to the market information orders (MIOs) and the market information notices (MINs).

The Energy Retailers Association of Australia, for example, in its submission said that it did not support the proposal to implement legislation that provides scope for the issue of MIOs and MINs by AEMO. As proposed, AEMO could be granted powers to issue such notices to participants which could incur penalties. It argued that this was a major deviation from the current regulatory arrangements where market operators and other participants operate under the rules and the AER enforces the rules. This submission (and others) was arguing the distinction between an operating company like AEMO and an enforcement agency like the Australian Energy Regulator (AER).

As I said, these submissions were arguing strongly against the considerable powers to direct companies and participants in the national market to provide information. This particular submission goes on to argue that the current arrangements had worked very well. Without reading all the other submissions but, referring to a number of them in brief, the Energy Networks Association of Australia makes very similar points in its submission.

The Energy Supply Association of Australia in its submission said that it has significant concerns with this approach. Regulatory information instruments are proven to be highly intrusive and onerous measures in the context of network economic regulation. ESAA submits that network member businesses are reported having to allocate substantial resources to comply with

information requests, etc. It talks about the intrusive and costly nature of the use of the MIOs and MINs.

The National Generators Forum makes similar complaints about the use of the MINs and the MIOs by AEMO. A number of other submissions by individual companies similarly express concern about the use of the MIOs and the MINs. Again from the website, there seems to have been a partial response from ministers and the senior officers group. In relation to explanatory material, AEMO exposure drafts, December 2008, a document says that the ISC has considered the issues raised in submissions and has altered its proposal. AEMO will not be restricted to using MIOs and MINs to support its planning functions. There will be no ability to extend the use of the framework by a rule change.

My understanding is that most of the participants are still strongly opposed to the proposal that we still see in the legislation and that many, if not all, do not see that the supposed change by ministers and the senior officers has recognised the point they are making. I am seeking from the government exactly what is the current position in relation to energy participants in the industry. As I said, I have only been able to access the submissions from September in relation to the August proposal.

The government is saying it has made some change in the legislation that we now have before us, but, as I said, my understanding is that there is still significant opposition. I seek clarification from the minister as to whether that is the case. If it is the case, what is the government's response to the continuing significant opposition? The simple question that they are putting is: what was wrong with the current arrangements?

A number of the bodies were relying on confidential information being provided by companies to produce statement of opportunities and planning reports, etc. Certainly, these submissions are arguing that these regulatory bodies were getting information and were able to produce the planning reports that the industry obviously requires. I seek from the minister and the government: what was it that was wrong with the arrangements that existed in relation to information gathering before this particular change was proposed?

In the second reading contribution, there was a section in relation to immunities and it refers to providing immunity for contractors providing software to AEMO. Can the minister indicate what specific problems either have been experienced or are predicted possibly to occur to require this particular additional immunity to be provided in the legislation? Clearly, some issue must have been raised which required the inclusion of this new provision.

This second reading contribution is longer than normal because the minister asked that I try to put on notice as many of my committee related questions as I can so that government officers can provide some answers. In that way, we may well be able to short-circuit what is usually a lengthy committee stage. I am happy to raise as many of the questions as I can that we inevitably have on the detail of the legislation, obviously subject to the answers the government and its advisers provide.

Certainly, from our viewpoint, we want to progress the committee stage as expeditiously as possible. However, we want to place on the public record the government's answers to, positions on and defences of various policy positions it has supported in the legislation we are being asked to pass.

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

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

The Hon. D.G.E. HOOD (20:46): Obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. D.G.E. HOOD (20:47): I move:

That this bill be now read a second time.

This Family First bill reintroduces legislation the government allowed to lapse in 2008. It was a sensible bill we were keen to support at the time, and it is designed more sensibly to regulate the removal of large trees from suburban backyards. The government's Development (Regulated Trees) Amendment Bill was stalled in 2008 by a coalition of ill-advised groups, and the government has not since reintroduced it.

By reintroducing this government bill in identical terms to the bill previously on the *Notice Paper*, I hope to re-enliven the debate regarding the regulations surrounding tree removal on private property. I stress that this is, word for word, the bill the government allowed to lapse last year.

In his answers to my questions without notice yesterday, I thank the minister for indicating that the government still stands behind this legislation, and he made an important point in his answer when he referred to the Development (Significant Trees) Amendment Act 2000, which amended the Development Act 1993 to regulate the removal of or damage to trees in designated urban areas.

The legislation had good intent, namely, to protect some of the iconic trees in neighbourhoods, and certainly Family First supports that, particularly in relation to some of the beautiful old river red gums we still find in many parts of Adelaide. To be declared 'significant', unless it was multi-limbed, a tree was required to have a circumference of more than two metres at one metre above the ground and also meet several other requirements, including looking at the importance of the tree to the local biodiversity.

However, some local councils simply decided that all trees with a circumference of more than two metres were significant and that others were not. As the minister noted yesterday, that sort of arbitrary black and white position regarding trees was never meant as the intent of the original legislation. The minister realises that there is a problem, and we therefore look forward to government support for the bill which is, after all, simply a reintroduced identical version of the government's bill.

The plain fact is that circumference alone is a pretty poor measure of whether or not a tree is significant. Some rare native apricots are pretty small trees, but no-one would say they were insignificant. On the other hand, I know that in Prospect, the area which I reside, we have some areas where tracts of fast-growing pinus radiata become significant trees simply because of their circumference, even though they have little connection with the local habitat or ecosystem.

The regulated trees bill made plain that not all trees with a circumference of over two metres are necessarily significant, and many of these can be removed without radically disturbing the local ecosystem. I think it is a sensible standpoint, and for that reason I reintroduce the bill. In fact, I have spoken in the media regarding this issue (and some members may have heard me) and taken calls from a number of constituents who have been unable to remove trees that most reasonable people, I think, would agree they should have the power to remove if they are on their property.

In many cases, people who have had tree limbs continually falling on property or putting people and animals at risk are nevertheless still finding themselves unable to remove problem trees if the circumference is over two metres, even in cases where they have arborist reports (or in the case of one constituent, two arborist reports) recommending removal of that particular tree. Some members may recall reading a story in the *Sunday Mail* of 7 June which stated:

> A tree planted 35 years ago which nearly killed a Burnside man has cost him $30,000 in legal costs—because his...local council has banned him from chopping it down.

The article continued:

> In 2002, a branch plummeted from the 14 metre tall Wallangarra white gum tree, missing almond grower Andrew Lacey by metres. He said his golden retriever Toby saved him because his barking made him move out of the way. Mr Lacey decided to chop down the tree for safety reasons, but when the Burnside Council refused permission, he took the case all the way to the Supreme Court—and lost...He said the case had cost him in the range of $30,000—

which, coincidentally, was the fine for illegally removing the tree. A constituent from Klemzig has advised me that she has had a large tree drop limbs on their fence twice, requiring extensive repairs. Her insurance costs have gone through the roof because of the continuing damage caused by this large tree. She has obtained two arborist reports recommending that the tree should be removed, yet she has been stonewalled by her council under the current legislation and refused permission to remove the tree.

Another constituent from Kensington Gardens has young children whom she is afraid to let play in her own yard due to a large river gum that continually drops branches. She has replaced two fences damaged by the tree in recent times. However, this is a type of gum that naturally drops branches and an arborist report has confirmed that it is a healthy tree. She has obtained the

signatures of all of the neighbours surrounding that property, calling for the removal of the tree. They are all agreeing to it, yet she, too, has been refused permission by her council.

I also have a letter from a constituent named Bill Thomas, who asked to be named and to whom my office has spoken at length regarding his tree troubles. I believe this is the same constituent mentioned by the Hon. Mr Wade yesterday during question time. A large 'itchy pod' tree, as he calls it, growing on his neighbour's property has caused tremendous damage to his studio building, lawn and backyard pavers.

The damage was such that he could no longer use the studio because the floor had lifted and falling branches had broken the roof. In his case also, the council indicated that it would take no action. On this occasion, the tree was not necessarily classed by the council as significant, but the response from the council indicates that some councils more than others can be reluctant to protect property from trees, as is the case in this example.

Another concern is the general requirement that nearly all councils have for the applicant to supply at their own cost an arborist report with each application. This is a council requirement rather than a legislative one and can add $500, and in some cases up to $1,000, to the development application. Again, this is tremendously unfair, particularly if a landowner is trying to protect property or trying to protect the safety of their family from a particular tree; this could include neighbouring properties as well.

Members will be aware that this bill sets up a far more sensible scheme to regulate these matters with a two tier system of 'regulated trees' along with 'significant trees'. Trees with a circumference above two metres become regulated trees rather than automatically being declared significant. They are only declared significant following a more detailed assessment. The government also previously proposed listing several types of trees as being exempt from the definition. Only if the tree met the new definition of significant would an arborist report be required.

To protect some important native flora that does not grow to a circumference of two metres, there is even a provision for trees with a smaller circumference to be declared significant such as the rare apricot tree that I mentioned at the start which might be an example of where this could be appropriate on some occasions and allow for the institution of an urban tree fund.

I think this bill is a tremendously important environmental initiative that is a positive for the environment. Members who are considering whether or not they should support this bill may wish to consider that this bill would establish an urban tree fund which would be used in the assistance of cultivating trees that require it.

Family First believes that this bill will do a lot to more properly define the types of trees that are genuinely significant. The bill will be a tremendous advantage in protecting and conserving those trees, which we would all agree is something we would like to continue, while at the same time enabling landholders to properly deal with trees on their own property that are either dangerous or simply not in keeping with the local ecosystem and present some significant problem.

The situation right now with respect to these trees is clearly unacceptable. Everyone acknowledges that the system needs to be fixed. I believe it is time to step up to the plate and support this bill because, after all, it is the government's own legislation. This bill would provide clarity and would allow everyone to move forward, whether it be the councils, individual landholders or anyone else involved in the entire cycle.

I want to make clear that the purpose of this bill is not to unreasonably attack councils. In fact, to be fair to councils, they have had to deal with legislation that is probably not that clear, and councils have done what they consider to be the safe thing, and that is to take a fairly consistent and hard line approach to this issue, and I think any reasonable person would understand why they have taken that approach. This bill, if passed, will clarify the situation.

I realise that, when this bill was debated last year, a number of amendments were raised, and that the debate on various issues extended into the committee stage. I have reintroduced this bill in exactly the same form as the government introduced it, but I welcome amendments to the bill, as the previous bill was amended, and I look forward to hearing other honourable members' contributions.

This is the government's own bill, word for word; I have not changed the government's bill whatsoever. I think there is the goodwill in this council to fix this situation once and for all. For that reason, I commend the bill to members.

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

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

The Hon. I.K. HUNTER (20:57): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

Motion carried.

SELECT COMMITTEE ON ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S REPORT 2003-04

The Hon. B.V. FINNIGAN (20:57): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

This committee has been dealing with things that occurred six years ago, so extending the time for bringing up the report by another six months will help.

Motion carried.

SELECT COMMITTEE ON FAMILIES SA

The Hon. C.V. SCHAEFER (20:58): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

Motion carried.

SELECT COMMITTEE ON SA WATER

The Hon. M. PARNELL (20:59): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

Motion carried.

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

The Hon. R.I. LUCAS (20:59): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (21:00): I move:

That the time for bringing up the report of the committee be extended until Wednesday 18 November 2009.

SELECT COMMITTEE ON CONDUCT BY PIRSA IN FISHING OF MUD COCKLES IN MARINE SCALEFISH AND LAKES AND COORONG PIPI FISHERIES

The Hon. J.S.L. DAWKINS (21:00): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

SELECT COMMITTEE ON TAX-PAYER FUNDED GOVERNMENT ADVERTISING CAMPAIGNS

The Hon. M. PARNELL (21:00): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

SELECT COMMITTEE ON TAXI INDUSTRY IN SOUTH AUSTRALIA

The Hon. J.S.L. DAWKINS (21:01): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

SELECT COMMITTEE ON CERTAIN MATTERS RELATING TO HORSE RACING IN SOUTH AUSTRALIA

The Hon. R.I. LUCAS (21:01): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 18 November 2009.

LOCAL GOVERNMENT (WASTE COLLECTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June 2009. Page 2495.)

The Hon. S.G. WADE (21:02): I rise to indicate that the Liberal Party supports the bill before us, moved by the Hon. Mr Hood. We will propose amendments, but our amendments are purely designed to underscore the spirit of what we understand the Hon. Mr Hood seeks to achieve. South Australia's Waste Strategy 2005 to 2010 sets the following target for municipal solid waste:

By 2010, 75 per cent of all material presented at the kerbside is recycled (if food waste is included).

I understand that the rate in 2007 was estimated at 57 per cent. In 2007, Zero Waste, a state government agency, commissioned a consultant, Mr John Comrie, to prepare a report entitled 'Business Case for Councils to Undertake Co-Collection of Food Waste with Garden Organics'. The report found that, where a council already has a three bin system with fortnightly collection of garden organics, it is estimated that the council would save between $1 and $4 per household per annum by introducing co-collection of food waste and garden organics and reducing the frequency of the residual waste collection service to fortnightly.

In light of the subsequent debate, I will highlight some references in Mr Comrie's report. At page 11, discussing the results of the survey of councils, Mr Comrie's report states:

Disposable nappies in the waste stream were identified as a specific issue that is likely to generate widespread concerns if residual waste was collected fortnightly. Legislative provisions which have been interpreted to effectively require councils to collect residual waste weekly would need to be modified to enable fortnightly collections...

On page 20, in relation to the cost benefit analysis, Mr Comrie's report states:

The cost of the co-collection of domestic food waste and garden organics with the frequency of the 140 litre MGB waste collection reduced from weekly to fortnightly...The consultants have evaluated the opportunity to reduce the frequency of the residual waste collection...

Mr Comrie then discusses the issue of disposable nappies, and then specifically refers to Public and Environmental Health (General) Regulation 4(2), and states:

Many councils are likely to want this regulation reviewed and in probability varied before considering implementation of a fortnightly residual waste collection service.

On page 24, in relation to implementation issues, Mr Comrie's report states:

Several issues...should be pursued to facilitate the introduction of a co-collection of domestic food waste with garden organics.

Under the heading 'Statutory Compliance' the report states:

ZWSA—

which, I understand, stands for Zero Waste South Australia—

should initiate a review to consider removing regulatory barriers to the introduction of a fortnightly food waste/garden organics co-collection system by councils.

So, the question before the council is: why did Zero Waste, having been repeatedly warned of this issue in the Comrie report, choose to proceed without having the issue addressed? Why was not the regulation changed? Perhaps Zero Waste and the government were of the view that they would not be able to get it through the parliament, so they would just ignore it. I find that extremely disturbing. Zero Waste cannot claim ignorance of the law, even if it were an excuse. Apparently we are faced with wilful blindness and ignoring of the law by a government authority.

In January 2006, Zero Waste invited councils to apply for funds to be part of a Zero Waste food waste trial, which involved separating food waste from general waste and putting it in the green waste stream. As part of this trial, councils were invited to trial fortnightly collection of general

waste. In July 2008, the government announced that 10 councils would be receiving state government funding to participate in the trial. The minister indicated that four of those councils would be trialling fortnightly collection. Independently, the Prospect council indicated that it will tender for a fortnightly collection to commence in July 2010, and I understand that the council is not proposing to undertake a trial.

In February, Grace Portolesi, the Labor member for Hartley, criticised fortnightly waste collections, apparently unaware that her local council was part of a state government trial. Following the attacks from Ms Portolesi, the Campbelltown council stopped trialling fortnightly collection. The Mayor of Campbelltown, Simon Brewer, said the council had signed on to the scheme in good faith but was now backing away because it was left unsupported by the government. Mr Brewer is reported as saying:

> My council understands the waste problems and saw this as an opportunity to help the government achieve their clearly stated goal of reducing waste to landfill. Unfortunately we were left unsupported by the government and have largely worn their criticism.

It was well put by Mayor Brewer. The Rann government approach to partnership with local government is: we will take the credit for the good news; you can take the rap for the bad news. Labor MPs and ministers are not talking to each other, just as they are not talking to the community.

In this context, I pay tribute to the work of Leon Byner of radio station FIVEaa: he has been a champion for engaging the community on this issue. Yet, the ministers continue to keep their heads down. To give due respect, minister Weatherill has gone on the public record twice to address the environmental advantages alleged for this trial but repeatedly refuses to engage on the health concerns. My understanding, from representations from constituents, is that overwhelmingly there are health concerns, including from people who are heavily committed to environmental objectives in our community.

Another minister responsible is minister Gago, the Minister for Local Government. She was the minister who originated the trial at the beginning of last year. I suppose at least we can give her credit for having been willing to answer a question in this place in which she espoused the virtues of the trial, again from an environmental perspective, completely ignoring the health implications. I cannot say the Minister for Health, minister Hill, has even put his head over the parapet on this one. However, there are glimmers of sanity permeating the dense cloud of the Labor caucus. The Treasurer was recently asked by Leon Byner of his view of fortnightly collections. Mr Foley said:

> It's dopey. I mean, you know, with all due respect, what do we have councils for? You know, the prime consideration is they pick up rubbish.

Whilst I share the Treasurer's scepticism about fortnightly collections, I certainly do not associate myself with the degradation of local government that the Treasurer espoused and we so often see from this government.

In addressing the key themes raised by the Hon. Mr Hood's bill, I propose to address them in three areas: first of all, environmental concerns; secondly, public environmental health concerns; and, thirdly, the position relating to the rule of law. In relation to environmental issues, the Liberal Party is committed to reducing waste. We are even open to initiatives to deal with food waste, initiatives which explore the effectiveness of reducing waste to landfill.

Unfortunately, fortnightly collection of residual waste is being promoted as though it were an inherent component in strategies to deal with food waste. That is not true. Fortnightly collection of residual waste is not implicit in strategies to deal with food waste. Secondly, I fear that the insensitivity to community concerns will actually undermine community support for broader waste initiatives. Let me quote from a person who wrote to me on my concerns:

> Dear Stephen,
>
> My husband and I strongly oppose fortnightly collection of rubbish by local councils. We are keen composters, but following advice from garden experts, we do not put any meat, seafood or dairy waste products in our compost bins, to avoid attracting rodents. Meat waste, such as fat and bones, and seafood waste, such as cockle shells, crab, prawn and lobster shells, are highly putrescent materials which attract not only rodents, but also flies and other animal pests.
>
> People also dispose of used cat litter, dog faeces, soiled baby nappies and female sanitary products in their rubbish bins. The idea that all these highly insanitary wastes can be left in rubbish bins for up to a fortnight, in our climate, when maximum temperatures for several months of the year are in the 30s and 40s, is insane.

With the proliferation of medium and high density housing, the risk of offensive smells, if nothing else, should be enough to justify weekly collection of household rubbish. The proliferation of new courtyard homes and homettes being built on minimal size allotments means that people have to keep their rubbish bins in very close proximity to their neighbours.

Regards—

and the person's name was supplied. The second thing that I would like to address relates to public and environmental health. Food waste trials take food waste out of the general waste scheme. Fortnightly waste collection is predicated on the assumption that the residual waste will be so little that it can be collected fortnightly. Depending on the circumstances of the household, the residual waste may not be benign and through the removal of food waste it becomes less diluted.

I would like to illustrate some of the material that can be included in this residual waste stream. For example, young families may be placing nappies in the stream; people with a disability and the elderly may be placing incontinence aids; the sick may be placing home care medical waste; women might be placing personal hygiene products; and people with pets may be placing animal waste and kitty litter.

A number of concerns have been expressed to me relating to the proliferation of bins to support waste collection, which means that people, particularly in intensive developments, are finding it difficult to store their bins within common areas. Some are leaving their bins on the kerbside between collections, which increases the public health risk.

The weekly collection of insanitary waste is not only common sense but also good public health practice. As such, it is enshrined in our public and environmental health regulations. We will not countenance fortnightly waste collection in the absence of clear proof that it does not represent a health risk to the community. In March, the opposition raised concerns that fortnightly waste collection is contrary to the Public and Environmental Health (General) Regulations, clause 4(2), which provides:

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

The maximum penalty under that clause is $1,000. By failing to collect rubbish weekly, councils are putting owners and occupiers at risk of breaching the public and environmental health regulations. Section 15(1) of the Public and Environmental Health Act 1987 provides that, if premises are in an insanitary condition, the local council may, by notice in writing, require an owner, or any other person who is apparently responsible for causing the insanitary condition, to take action. Section 16(1) provides:

If premises are in an insanitary condition, any person who is responsible for causing the condition or allowing the condition to occur is guilty of an offence.

I put to this council that, under sections 15 and 16, the councils themselves could well be in breach of the act because, by not providing a weekly waste collection, they are causing householders to be in a situation where they can be in breach of the act. At a local level, the public and environmental health regulations and act are enforced by the council. The council is the relevant authority, but the council is in a position where it could be causing an insanitary condition. Clearly, there is a conflict of interest.

The opposition has seen Zero Waste correspondence asserting that the Public Environmental Health Council is willing for food waste trials to proceed but, when one looks at the correspondence more closely, Zero Waste apparently asked only about the food waste aspects of the trial. The correspondence does not deal with residual waste. I reiterate that our concern is particularly with the management of residual waste. If you ask only half the question, don't be surprised if you get only half the answer.

The third theme that I would like to address is the Liberal opposition's concern with the way the law and the regulations are being treated. We believe that the public and environmental health laws should be complied with and enforced. Call me old-fashioned, but I think that those who make the laws should not break the laws. It is a bit rich to expect our citizens and ratepayers to abide by the laws of our parliament and the by-laws of our councils when we ignore them when it suits us.

The bill put forward by the Hon. Mr Hood has become necessary to highlight the failure of the government to enforce public and environmental health regulations. Fortnightly waste collection put residents and councils in breach of the regulations, which require regular weekly waste removal. The government should never have implemented this trial knowing that it could be in

breach of the law. As I highlighted from Mr Comrie's report, it was warned time and time again. In this context, I congratulate the Hon. Dennis Hood on bringing the bill before the council.

Considering that the government has evacuated the field, the Local Government Association has found it necessary to write to members on at least two occasions. I would like now to quote from a copy of a letter provided to me by the association. It is primarily a letter addressing the Hon. Mr Hood's bill and states, in part:

> If enacted, the bill will remove the opportunity for communities and councils to democratically decide what level of waste collection is appropriate for their community based on an environmental basis.

I find that to be a disappointing comment, because democratic mandates are not a licence to disregard the law. Just because you have a local government mandate to deal with local government issues does not mean that you have a licence to ignore state legislation dealing with public and environmental health. The local government letter only says that they should deal with things on an environmental basis. I think their communities would also expect them to be dealing with health issues. The letter further states:

> As you are aware the public debate around the issues emerging from the food waste trials included reference to the regulations under the Public and Environmental Health Act. Given that the Government is currently undertaking a major review of this Act it may be more appropriate for Parliament to consider the matters raised in the current Bill in that review.

Again, I regard that comment as extraordinary. If we know that an act is to be reviewed, apparently, we can ignore it. Considering the concerns of members, for example, in relation to how long it took to deal with the equal opportunity bill, are we really suggesting that all employers and providers of services should have ignored that legislation for the 15 or 20 years (or whatever it was) that we were reviewing it? Of course not. A law should be observed and obeyed until it is changed. It is presumptuous to presume that the parliament will change a law or will allow a regulation being reviewed and proposed to be amended to stand.

The Liberal amendments that I have tabled propose to change the bill to more closely reflect the public and environmental health regulations to highlight our concerns about health and the need for due regard to laws. I note that the Local Government Association has distributed advice to members not to support my amendments. I would like to read that memorandum in full. The document states:

> The LGA has considered the amendments to the proposed Local Government (Waste Collection) Amendment Bill 2009 by the Hon. Stephen Wade MLC. The LGA provides the following comments in relation to the specific amendments proposed:
>
> - the amendments introduce the term 'insanitary condition' and this not defined;
> - the word 'usually' is vague and left to interpretation; and
> - the word 'capable' in relation to an 'insanitary condition' is vague and left to interpretation.
>
> Attention is also drawn to the LGA's letter to the Hon Dennis Hood MLC of 12 June 2009 (provided to all key Members earlier this week) highlighting concerns with the Bill that continue to not be addressed by the amendments.
>
> Regards, Wendy Campana, Executive Director

In the context of that note I refer members to the Public and Environmental Health (General) Regulations 2006. Two of the three terms the LGA is having trouble with are already used in the regulations. I remind members of the phrase, 'The owner of premises must take reasonable steps to ensure that refuse on the premises that is capable of causing an insanitary condition is disposed of as often', and so on.

If the LGA and its members are not able to understand and apply the phrase 'capable of causing an insanitary condition' in this amendment I fail to understand how they are currently applying the Public and Environmental Health (General) Regulations. Under section 12 of the Public and Environmental Health Act, if a council fails to discharge its duties the Public and Environmental Health Council can withdraw those powers.

In relation to the government position, I stress that my beef is not primarily with the LGA; it is with the government's trial. It is the government's trial; it is the government's regulation. We need to know the Rann government's position. After all, silence means consent. We can only assume that the Rann government wants fortnightly collections and that it intends in due course that fortnightly collections will be rolled out through Adelaide. The government's secrecy raises concerns that this policy is driven more by costs than by common sense.

I find that often people do not argue their case if the argument is not with them. If it was arguable on environmental and health grounds, I think we would have had the argument. In this context, I would congratulate elected members such as Ashley Dixon from Prospect council, who has been willing to engage in the public debate. Ashley strongly supports fortnightly waste collections and he has gone out publicly in the media and privately meeting with members such as me to argue his case.

He was motivated initially by his concern to reduce waste, but I found him more than willing to discuss the health and cost implications, and so forth. I would like to see some of our more highly paid elected representatives taking their responsibility for public debate more seriously. If the government wants to introduce fortnightly collection, amend the regulations and let us have the debate.

I note that we are not the only jurisdiction having this debate. In the United Kingdom in recent years there have been significant numbers of councils that have been either trialling or implementing fortnightly waste collection, and it has also become a political issue there. In September 2008 the United Kingdom Conservative Party announced that it would be making its push to maintain weekly collections at the next British general election.

The Liberal Party is also happy to take this issue to the people. The choice will be clear: vote Liberal for weekly, Labor for fortnightly. As far as the Liberal opposition is concerned, we can only say: bring it on.

The Hon. M. PARNELL (21:25): The Greens strongly oppose this bill, and we do so on both practical and philosophical grounds. We see that this bill sets back the cause of waste minimisation and resource recovery. Some of the commentary in the media around this bill has painted it as simply a cynical exercise in providing fewer services to the community in order to save money. I would say that if I accepted that position, that it was a cynical exercise, then the honourable member's bill has some merit, but I do not see it that way at all and, as a result, we oppose the bill.

What we need to do is get back to first principles. We need to ask ourselves the question of what we need in the way of waste collection and what we want in the way of waste collection, because those two things are not necessarily the same. For some people, in an ideal world, there would be daily waste collection. Some people might want a continuously moving conveyor belt past their house so that every item of waste can be disposed of instantly. We are talking about striking a balance. We have to weigh up cost, we have to weigh up safety—safety for the community and for people engaged in the rubbish industry—and we need to consider the environment.

What we need is a system that removes waste safely, and that does not necessarily mean removing it weekly. Our overwhelming priority must be to reduce, to the maximum extent possible, the amount of waste going to landfill. One of the myths that we need to overcome in the debate about waste is the idea that, when we throw something away, it goes away. But, clearly, there is no 'away'. Unless we start shooting our rubbish into space in rockets, there is no 'away'. We have to deal with it.

Ideally, we deal with it by reusing it; if we cannot reuse it, we can recycle it; and, ahead of all those things, of course, we should be reducing the amount of waste we generate, in any event. There will always be some residual waste that has no way of being recycled, and we need to deal with that but, again, that does not necessarily mean weekly collection of that waste.

Landfill is incredibly expensive and incredibly wasteful of resources. Landfill close to Adelaide is now pretty much full, and our rubbish trucks are driving further out of the metropolis in order to dump their loads. These landfills, and the constant stream of trucks that accompany them, are having a negative impact on local communities on the outskirts of Adelaide.

In many ways, this bill is a reaction to a trial and, as I understand it, these trials are by no means complete. Trials are, of course, a very useful way of finding out whether something works—finding out what the pitfalls might be and what improvements might be needed—yet what we see in this bill is a knee-jerk reaction to the fairly early days of a number of trials.

There has also been a fair bit of misinformation in relation to this issue, and that misinformation is around both the local experience and even international experience. If we look locally, we see that councils such as Mallala have been successfully providing a fortnightly residual waste collection without major issues, and certainly without hysteria, and has been doing so for many years.

In terms of the trials in the metropolitan area, let us look at some of the preliminary findings. I refer to the East Torrens Messenger of 5 April, where, in the regular column provided by the City of Norwood Payneham and St Peters, under the heading 'Food Waste Trial', it states:

> Participants in the food waste trial have diverted a large amount of kitchen waste away from landfill through disposing organic matter in the green wheelie bin. In the St Peters' trial, 72 per cent of waste is being diverted on average every fortnight, up from 57 per cent before the trial. In Kensington the figure is 74 per cent, up from 63 per cent. Council will decide the trials' future in June 2009.

What those figures also describe is that it is not just food waste that is now being diverted from landfill. The experience of a trial of food waste diversion has resulted in other forms of waste being diverted. We find that other recyclables are being diverted from landfill. The impact on the total waste stream is above and beyond just that component that relates to food waste. Why? Because attitudes are changing, because people start to look at the whole of their waste stream through different eyes and they change their behaviour accordingly.

The experience in Norwood Payneham and St Peters has been different to that of the experience in Athelstone, where there is a food trial going on as well. But Athelstone has maintained its weekly residual rubbish service, and so the amount of total diversions is still stuck at around 60 per cent. It is certainly less than that in the St Peters trial area where, as I said, it is 72 per cent, or Kensington where it is 74 per cent. In terms of the experience interstate, Coffs Harbour, for example, in 2004 undertook a similar food waste trial. A survey of residents was conducted after the trial was completed and it came up with the following results: overall, 63 per cent of respondents said that they liked the trial system better than their previous system, and an additional 19 per cent thought the trial system was neither better nor worse than the current system.

So, an overwhelming majority of people were supportive or neutral, but the vast bulk (more than half) were supportive; 72 per cent believed that organics should be collected weekly, while only 22 per cent believed that organics should be collected fortnightly. That component of the trial was well accepted—the weekly collection of organics. Also, 66 per cent (two-thirds) believed that garbage, or what I am calling the residual waste, should be collected fortnightly, and only 34 per cent believed that that garbage should be collected weekly.

The ratio was two-thirds in favour of fortnight to one-third in favour of weekly in Coffs Harbour. Clearly, a majority of residents expressed a preference for weekly collection of their organics and fortnightly collection of their general rubbish. It was evident to some residents that removal of putrescible waste from the residual waste stream resulted in a non-odorous garbage bin. In other words, their bin did not smell as bad because it did not have that putrescible food waste in it. The debate here in South Australia is that the trials in the United Kingdom were a failure.

My understanding is that about 50 per cent of councils across the United Kingdom have already shifted to a fortnightly residual waste collection service, and that rate has been consistent over the past 12 months, or so, but generally it had been increasing in time until then. In the vast majority of councils it has worked well, and the small number that had problems were primarily those that had trouble getting rid of their green waste, and that was often related to local factors. Anyone who has been to the UK would be aware of this—very narrow streets, difficulty of trucks getting access and most councils still using an old style rear entry truck with two manual rubbish handlers standing on the back.

Certainly, in South Australia we have much better technology and, as a result, we have much less contamination. In fact, it should be a matter of some celebration to South Australians that our levels of cross-contamination in our rubbish stream are very low. One of the reasons for that is that we have developed a culture in this state of recycling. The container deposit legislation has been an important part of that culture. In economic terms a strong market has developed for green waste, and we know that there are great opportunities for jobs and wealth creation out of diverting that material from landfill. In fact, we should stop calling it green waste and start calling it a green resource.

A couple of other furphies have dominated the debate. The focus has been on nappies, medical waste, sanitary products, and the like. When we talk about disposal or throw-away nappies, for example, we are talking about a relatively small percentage of households. We are looking at between 4 per cent and 5 per cent of households at any one time. Many of those people—and we will know this from trials—would be happy with fortnightly collections.

There will be people who have special needs, and part of the success of these trials and any mechanisms put in place as a result will be how we deal with people with special needs. It makes no sense for us as a community to be sending trucks trawling through every street in an entire suburb every week if the real need is to service only a very small proportion of households who actually need that level of service; and let us say that it is likely to be less than 5 per cent. There are other ways—

The Hon. S.G. Wade interjecting:

The Hon. M. PARNELL: The Hon. Wade says that it is only nappies. Well, we could include colostomy bags in that.

The Hon. A. Bressington: Dead cats.

The Hon. M. PARNELL: I don't know how many members are throwing their dead cats into wheelie bins; most of them are giving them a decent dispatch, with a hole in the ground in the backyard and a religious symbol over the top.

A small proportion of people would need that level of service. Councils usually operate in an area most days of the week and suburbs are divided into different days for collection. It might be that for houses with special needs the trucks could be diverted for extra collections. There are other ways in which it could be done, as well. We could have a system where councils and households negotiate on a case-by-case basis. That would make a great deal more sense than providing an overkill service to every single house in the municipality.

We also need to get serious about our expectations in relation to waste. Let us remember that it was not very long ago that the waste disposal system consisted of two metal rubbish bins of 55 litres capacity each—so 110 litres—for everything.

The Hon. David Winderlich interjecting:

The Hon. M. PARNELL: The Hon. Mr Winderlich reminds me that it used to one 55 litre bin for everything—tins, glass containers and general waste. Everything had to go into those bins. In most places we are now serviced by a weekly 120 or 140 litre residual waste service, along a fortnightly 240 litre recycling bin and fortnightly 240 litre green organics bin. The vast majority of people are getting 360 to 380 litres per week of collection compared with either 55 or 110 litres.

The Hon. David Winderlich: But smaller households.

The Hon. M. PARNELL: I am reminded by interjection that we now have smaller households. The average household size has decreased significantly over the past 20 or 30 years. The way in which we are heading is unsustainable, and if our direction is to be reducing waste to landfill, it makes no sense to be forever increasing the capacity of these bins.

Let us look at what is in the rubbish. The average general waste bin—that is, the smaller of the wheelie bins—generally holds around 12 kilograms by weight of rubbish. On average, only 7½ kilograms of those 12 kilograms is used. In other words, on average, those bins are filled to 63 per cent of capacity. When you factor in that about 44 per cent of that waste is food waste that can be diverted to an organics stream, you find that there is, on average, more than enough capacity to deal with fortnightly collections.

We also need to be careful not to blame households for the increase in waste. One thing that previous generations did not have was the massive volumes of polystyrene foam, whether it is the little nuggets that seem to surround every appliance or whether it is the great blocks of white foam that accompany every piece of electrical equipment, they are not the responsibility of householders. We need to start looking at sheeting home responsibility to the producers of products to take some responsibility for the waste that they create.

The Greens strongly support policies that would result in a drastic reduction in the amount of packaging. I am not talking about voluntary measures. I think we need to head in the direction that countries like Germany have taken; that is, they make it a responsibility of the manufacturer to take responsibility for the waste that they are generating.

The Local Government Association (as has been pointed out by the Hon. Stephen Wade) has written to the Hon. Dennis Hood and circulated copies to all members. They point out that the trials are yet to be finalised—

The Hon. S.G. Wade: It's still illegal.

The Hon. M. PARNELL: —and that it is premature to be forming a considered position on the outcomes and merits of different collection methods and waste collection frequencies whilst those trials are underway. They also point out some difficulties with the definition of 'waste'. They point out that waste can include construction and demolition waste, commercial and industrial waste, as well as municipal waste. So, there is a difficulty in simply referring in the bill to 'waste'.

I will now respond to an interjection to which I did not respond a few seconds ago. The Hon. Stephen Wade refers to the illegality (as he calls it) of current arrangements. One thing that I for my sins have done in the past is been a lecturer in public health law at Flinders University, and I had to teach the Public and Environmental Health Act. We spent at least a class on section 15 of the Public and Environmental Health Act in relation to insanitary conditions. One of the things that I got to do was to read all the cases that were decided by the Public and Environmental Health Council in relation to section 15 and insanitary conditions. What you found was that no-one was prosecuted for having a bin full of rubbish in front of their premises for two weeks.

All the actions—and they were often civil rather than criminal—related to what I would call mental health associated hoarding cases. They are the cases that the current affairs shows love. The person has a house so full of rubbish that you cannot even get in the front door. There are pizza boxes and half empty milk containers, and there is squalor. The local councils are put in the position of working with these people to help clean up their premises. If they cannot, then there are provisions for the council to go in, clean it up and charge the expense to the householder. Reading all these cases over many years, I found they were overwhelmingly mental health related, and they were serious cases of vermin and rats breeding and insanitary conditions that affected entire neighbour hoods. Those laws were applied in a very sensible way and I can see no reason for that to change.

Part of the basis of these laws, which were written over 20 years ago, was around occupational health and safety issues for workers in the waste collection industry. Members may remember that when these public and environmental health rules were being written we basically had a situation in which all waste ended up in one bin. It was collected by garbage workers who would physically lift up the bins on to their shoulders, and the lids would fall off and they would manually empty them into the back of trucks. There would be a combination of vacuum cleaner bag contents, fish heads, and whatever, and there were genuine occupational health and safety issues for workers.

We now have a far different system of waste storage and collection. Wheelie bins are far less prone to access by vermin, they do not get knocked over by dogs in the street as they used to, and they are not manually handled by rubbish workers but are picked up by automated side-arms connected to trucks, and they are well sealed. It is a far cry from the old days of manual collection.

In relation to the Liberal amendments, which I understand we will discuss in more detail in the committee stage—

The Hon. I.K. Hunter: They have been withdrawn.

The Hon. M. PARNELL: In that case I will not even talk about them; I will go straight to my conclusion. If we are serious about our goals to reduce waste then we need to change the way we do things. Our current way is unsustainable and is more expensive than it needs to be. We have to be innovative, and if there were a legal insistence on a weekly service that would prevent councils from being able to invest in other waste services. That could include more food waste trials, and there are difficulties with electronic waste, which we know is an increasingly insidious form of waste causing problems in landfills with leaching. We need to recycle TV screens and computers; we should not put them in landfill.

We also need more innovation in the area of hazardous waste. I bet I am not the only person here who has a shed full of old tins of paint; however, for some strange reason I have never been in the vicinity of Dry Creek on the first Tuesday of the month between the hours of nine and 11 in the morning—or whenever it is that they take that stuff. So it stays in my shed. We do need better systems for the collection of hazardous waste. Whilst we are at it, we also need to be more innovative in relation to hard rubbish.

In summary, we need to change our current, totally unsustainable, linear approach to waste where we buy, use and throw out—and pretend it goes away. It is costing us a fortune, and we can do better. We can be smarter. I do not want us to put into legislation measures that stand in the way of the future innovation we need.

The Hon. A. BRESSINGTON (21:48): I will not be too long on this. I thank the Hon. Mark Parnell for his detailed information regarding the success so far of the trials of the weekly collections. I also oppose this bill, and my main reason for that is that, as I understand it, we are still in the middle of trials. I do not believe it is good practice or good policy to bring in legislation midway through trials, before we have had time to collect the data from those trials and then arrive at a conclusion. It is not good practice to cut trials short because we often find that the end result is unsatisfactory.

I want to concentrate on one issue that might seem a little strange—disposable nappies. It is not that long ago that I was changing nappies, and I am sure that most females in the chamber who have been mothers and who are my age or a little older are confused about why disposable nappies have become such a necessary item. I for one cannot comprehend people being in a position to keep their babies in disposable nappies all the time. We used them in emergencies, such as when we were going out somewhere, but the rest of the time we used cloth nappies. I am a bit of a greenie at heart.

The Hon. Carmel Zollo interjecting:

The Hon. A. BRESSINGTON: Well, if you are worried about a stinky bin, and if you must use disposable nappies, you can put a nappy liner in the disposable nappy and, when it is soiled, pull out the nappy liner, flush it down the toilet and away you go. I think as consumers—

The Hon. S.G. Wade: It will end up in the desal.

The Hon. A. BRESSINGTON: One problem at a time! As consumers, I think we have become very lazy. As the Hon. Mark Parnell said, we have bought into, 'Buy it, use it, throw it away,' and it is catching up with us. For me, disposable nappies are a real irk on the environment because they create such unnecessary waste. Be it judgmental, but I think that mothers are terribly lazy if they use disposable nappies all the time. There are alternatives, and they are easy to look after—and I did it with four kids in nappies. You washed the nappies, hung them out, dried them and used them again, and the disposable nappy was a luxury you used only if you were going out somewhere or whatever.

As to prawn shells that will stink in bins, I think most people who live in this climate, where it is pleasant to eat prawns and have cold beer, or whatever it is we do over the summer months, know that you wrap the prawn shells in paper, stick them in your freezer and wait for collection day to put them in the bin; anybody who does not do that has rocks in their head because it is common practice now.

Part of the issue of the fortnightly collection of rubbish is that it requires individuals to take a level of responsibility for their plot of earth and manage it in the best way possible. We see waste and the environment as global issues, and I honestly believe that individuals living in the community have lost the motivation to take that personal responsibility because they see all these problems as so large.

However, if we all got back to basics and looked after and managed our own plot of ground the best way possible—by using, re-using, recycling and being sensible about how we manage our household—it would have a good impact on the amount of rubbish that is thrown out and the responsibility of councils to dispose of it and find areas where they can continually extend landfill.

All in all, let us wait for the trial to finish and see the results. We have seen the statistics the Hon. Mark Parnell presented about how, over time, people who have adjusted to change have adjusted favourably. We have talked about educating the community in the better management of their household and plot of ground. Let us move forward with this sensibly, rather than having a knee-jerk reaction and caving into what seems to me to be media pressure.

I have a great deal of admiration for Leon Byner and how he runs his shows on certain issues, but this particular one where there was talk about making rubbish the election issue for 2010, to me, was a bit far-fetched. I think we have far greater problems than whether we collect rubbish weekly or fortnightly for the 2010 election. I would hate to see this place make a decision based on media pressure rather than on good practice and common sense.

The Hon. I.K. HUNTER (21:56): I am with the Hon. Ms Bressington on this. I remember the days when the Stork nappy service would come along and take away our cloth nappies. I do not see why that process cannot be reinstated. I also congratulate the Hon. Mr Wade for indicating to the government at least that he will be withdrawing his amendments to the Hon. Mr Hood's bill.

I cannot let the opportunity pass without commenting that, in fact, if it had been the government that had dropped amendments on this council barely 24 hours ago, expecting the debate to proceed, there would be howls of outrage from the other side of the benches—feigned outrage, probably, in most respects—but outrage nonetheless that we have not given them enough time to consider the amendments and make a considered response.

The Hon. J.M.A. Lensink interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Ms Lensink is out of order. The Hon. Mr Hunter has the call.

The Hon. I.K. HUNTER: I am pleased that the Hon. Mr Wade saw fit to withdraw his amendments or, indeed, if that was not his motivating factor, it may well have been consideration of the letter from the LGA on his amendments which I think he has quoted from. I have a copy of this letter, which states:

> The LGA has considered the amendments to the proposed Local Government (Waste Collection) Amendment Bill 2009 by the Hon. Stephen Wade MLC. The LGA provides the following comments in relation to the specific amendments proposed:
>
> - the amendments introduce the term 'insanitary condition' and this is not defined;
> - the word 'usually' is vague and left to interpretation; and
> - the word 'capable' in relation to 'insanitary condition' is vague and left to interpretation.

Attention is also drawn to the LGA's letter to the Hon. Dennis Hood MLC to which I also think the Hon. Mr Wade made some reference in highlighting concerns with this bill that continue not to be addressed by the amendments.

So, if it was not the good sense to withdraw the amendments on the basis of an inadequate period of consultation for the government so that I can comment with some degree of confidence on those amendments, perhaps it was the comments from the LGA that motivated him to do so. However, whatever the conditions are, I welcome it.

It will not surprise you, sir, to know that the government does not support the Hon. Dennis Hood's bill. The bill does not define what it means by the term 'waste'. The bill suggests that waste should be collected weekly, but the bill does not say what type of waste should be collected weekly or, alternatively, whether all waste should be collected weekly.

It would seem to be consistent with this bill if green waste were to be collected one week, recyclables the following week, and residual wastes in the third week. That schedule would arguably constitute a weekly collection of waste, but I do not believe that is the honourable member's intention.

On the other hand, if the honourable member is trying to suggest that all wastes should be picked up every week, that will place an enormous additional burden on ratepayers. Surely, that is not his consideration on this bill. Neither of the interpretations is desirable, so I say the honourable member's bill must fail on its own terms.

However, let me move on and deal with the matter of rubbish collection. As the honourable member knows, the state government is not responsible for the operational decisions of councils. Indeed, under the Local Government Act, it is a matter for each council to decide annually, in consultation with its ratepayers, what services it will provide and how those services are to be funded.

This is particularly so with respect to rubbish collection. Rubbish collection, including how often rubbish is collected, is a decision that councils need to make in consultation with their ratepayers. It is essentially a matter for councils. As the President of the Local Government Association, Felicity-ann Lewis, put it only last week, councils are probably best known for rubbish. I will not draw any inferences whatsoever from that statement.

Of course, councils must ensure that they consult adequately with their ratepayers. In respect of rubbish collection, it is clear from recent community and media discussions that councils would find it difficult to persuade their ratepayers of the merits of any change to the frequency of rubbish collection—at least, at this stage.

But this is no reason for us to legislate over the top of them; rather, it is a powerful reason for leaving it to council to determine with their ratepayers about what is appropriate for their area. If they cannot take their ratepayers with them, it just will not happen. If the state government is

expected to legislate every time councils are determined to change some aspect of their service delivery, there will be no point in having local governments at all.

On the contrary, we in government believe that there is a legitimate place for local government, and that place is as another tier of government. The legislative scheme under which councils operate is designed to make councils accountable for their decisions regarding service delivery. Just as with other levels of government, councils are accountable to their voters for their decisions on taxes, spending and services. The ratepayers get to elect their council members every four years, unlike the Legislative Council.

It would be contrary to these democratic principles to have the state government legislate every time councils do something contentious. Having a dialogue with the local government authority concerned often works wonders, and that should be the first port of call. That is not to say that councils are not required to comply with a range of legislative requirements, including public health regulations, because, of course, they are. It is obviously the role of the state government to ensure that appropriate standards of public health are maintained.

The honourable member, in his second reading speech, made reference to regulation 4(2) of the Public and Environmental Health (General) Regulations 2006. This regulation creates an offence of failing to deal with refuse 'that is capable of causing an insanitary condition'. The purpose of this provision is to ensure that public health is not compromised by waste management practices. This is the proper role of state government in this rubbish collection debate, and that is it. No-one seems to be suggesting those regulations are somehow inadequate; indeed, far from it. The honourable member himself has stated that he is of the opinion that the regulation need not be changed. It appears that members are of the view that we have got the regulations right, and of course we have.

Much has been made of food waste trials in relation to this issue. The purpose of these trials is to work out the issues associated with removing food waste from our bins, thereby reducing our waste to landfill. I presume members in this place agree that would be a good thing. I point out that only a small minority of participating councils (from memory, three councils) have trialled fortnightly collection of the residual waste bin, in conjunction with that trial.

Advice from the Public and Environmental Health Council was sought in respect of those councils, and the implications of regulation 4(2). That advice was that the collection was not inconsistent with regulation 4(2) where managed in accordance with the instructions associated with the food waste trials. I point out that I have been advised that the trials involving fortnightly collection in the metro area have now ceased, and councils are now evaluating the responses. The only trials that are currently ongoing in the metro area involve weekly collection.

The government's interest in this matter is in the collection of food waste in the green organics bin and the reduction of waste to landfill. The government's interest is in maintaining public health, but the government has no legitimate interest in directing how or when councils collect their waste. For all the reasons I have given, the government does not support the bill.

The Hon. R.I. LUCAS (22:03): I rise to support the legislation before the council, and I intend to make only a brief contribution. As a consumer of local government services, I, along with most other South Australians, end up paying hundreds of dollars a year in rates to the local council, and I am sure some ratepayers are paying thousands of dollars in council rates. I think most South Australians, with the exception of some members in this chamber and elsewhere, have the view that the very least you expect from your local council is that it collects your household rubbish and waste once a week. I do not think that is too much to expect for the hundreds of dollars we are paying to our local councils for all the supposedly many other fine things they do and for the various judgments they make about the needs and services they provide to their local community.

In the end, I am fairly confident that Leon Byner and his listeners have got it right when they say that most South Australians have the view that one of the functions that councils have always provided is a weekly rubbish collection service, and it is not an unreasonable expectation that councils ought to continue to provide that weekly service for households. If the Parnell, Winderlich and Hunter households and others want to engage in different processes and a whole variety of other measures of conservation they are talking about, that is fine; they can be encouraged to do so and, indeed, others can be encouraged to do so as well.

Most South Australians have the view that their weekly household rubbish collection service ought to be able to continue, and that is what this legislation is intended to do. If the legislation passes this council and the House of Assembly, there might need to be some finetuning

of amendments to ensure that what we all understand this to be is, in essence, what the final wording in the legislation will include.

We know what is intended by the legislation; that is, the normal household collection of waste. We are not talking about the green bins and hard waste collection. The Hon. Mr Parnell obviously lives in a good council area where his green waste is collected every fortnight, evidently. Well, good luck to him. That is not the case in my council area, and I can assure you that it is not the case in a lot of other council areas as well. It varies in particular areas. We know what we are talking about. The issues that the Hon. Mr Hunter raises are red herrings to the debate. If it needs to be tidied up by way of a clarification amendment in the House of Assembly, should it get to that place, that can certainly be done.

The final point I make is that, should the legislation pass this council, it will then be able to be debated and voted on in the House of Assembly. A number of people, such as the member for Hartley and the Treasurer, have publicly indicated their views in relation to weekly waste collection. They know what they are talking about. They are talking about the same thing that the Hon. Mr Hood is talking about: the normal, readily understandable, weekly household waste collection that councils in the metropolitan area conduct.

This will be a good test for the member for Hartley and the Treasurer, who have been waxing lyrical on talkback radio with Leon Byner and others, indicating that they support weekly waste collection. The Hon. Mr Hunter said that the Rann government is opposing this legislation: it will oppose requiring a continuation of the current processes of weekly waste collection. One can only assume that that, therefore, includes the member for Hartley and the Treasurer.

However, with its introduction, if the legislation passes this council, we can then test the mettle of the member for Hartley to see whether her publicly professed views which she is prepared to stand up for and says are the views of her constituents, and to vote accordingly to represent her constituents in the House of Assembly to support the Hon. Mr Hood's legislation. It is a simple test. It is easy to talk the talk, but let us see if the member for Hartley is prepared to walk the walk and support the legislation of the Hon. Mr Hood.

This is the only way that we will be able to guarantee that what most South Australians want, which is a continuation of weekly collection, will be able to continue. As we heard in the minister's views on these issues, the trials being conducted by Zero Waste, the support from a number of councils and obviously the LGA in relation to this matter, and from the views that have been expressed during this debate, there is no doubt that there are a number of groups and individuals who do want to move away from the standard, the usual, the normal, weekly waste collection being conducted by local councils.

I congratulate the Hon. Mr Hood. Let's see the vote on this particular legislation. I am appalled that the Rann government will vote against what is a simple measure. I think that listeners to talkback radio, and others, when they become aware of this particular issue, will be appalled with the Rann government's decision, a decision supported by the member for Hartley, it would appear, and the state Treasurer.

The Hon. D.G.E. HOOD (22:09): I would like to thank all the speakers to the bill. It has been somewhat more of an involved debate than I anticipated, to be frank. I would like to thank the Hons. Mr Hunter, Mr Lucas, Mr Wade, Mr Parnell, Mr Winderlich and Ms Bressington for their contributions. The purpose of this bill is very simple. I will not speak at length, because I think we have sufficiently thrashed out the detail for each of us to reach a position. This bill was formulated because it seemed that there is a silent coalition—maybe even an unknowing coalition in that they were not necessarily talking to each other, although perhaps they were—forming with the goal of introducing fortnightly rubbish collection in metropolitan Adelaide. I introduced this bill quite simply because I do not believe the public want it. I have spoken to, I estimate, a couple of hundred people, perhaps more, personally on this issue, and I am yet to come across anybody who says that they are convinced that we should proceed with it, other than people who have come to me specifically with that purpose. When I have asked people who do not have a specific position or are not involved in the system one way or another, they have all said that they do not want it.

I saw Zero Waste, what I suspected was the government's position (which has been confirmed tonight), the LGA, some individual councils and others appearing to form—maybe they were not even aware of each other's position—a coalition of sorts to introduce fortnightly collections. This bill will put a stop to that, and I have introduced it because I believe the public do not want it. It is as simple as that.

We have heard statistics this evening about people being in favour of this. The only decent data I have ever seen on this issue—I have not seen any Australian data on it—was compiled in the UK, where a survey indicated that 94 per cent of over 10,000 respondents did not want fortnightly collection. If you speak to the people I have spoken to who are proponents of this system being introduced, they argue that it has been a tremendous success in the UK. Certainly the survey of the people it affects the most, the residents leaving out their bins, suggests that those residents do not want it at all.

Briefly, the reality is that the fortnightly collection of rubbish under regulation 4(2) of the Public and Environmental General Health Regulations 2006 is against the regulations, that is, it is illegal. This bill will move the status of that regulation into legislation—that is the purpose of it. I openly confess that the bill is not perfect. The amendments which, as it turns out, will not be moved by the Liberal opposition in this place but will be moved in the other place actually improve the bill. All those amendments would have enjoyed Family First support, had they been moved in this chamber.

When I instructed parliamentary counsel to draft this legislation, I asked for a bill to deal with normal household waste. I take the comments made by the Hon. Mr Parnell and others that perhaps the wording in the bill is too broad, and I concur with that. The amendments, which will not be moved in this place but which have been tabled by the Hon. Mr Wade, clarify the bill and for that reason would have enjoyed Family First support.

This leaves a couple of members of the government, at the very least, in a difficult position. We have the Treasurer (Hon. Kevin Foley) and the member for Hartley (Grace Portolesi) having said quite publicly, to their credit, that they would oppose fortnightly collection. To the credit of the member for Hartley, she has been a strong campaigner against it, and I certainly applaud her position on that and I have spoken to her personally. I commend her, but it will be very difficult for her and the Treasurer when this bill goes to the lower house, should it enjoy passage in this place.

Finally, one of the initial motivations that sprang me to action was the fact that, as a ratepayer in the Prospect council area, I received a brochure in my letterbox that all but said that the council was moving to fortnightly collection. I pay some $2,400 a year in council rates and have what some may deem the unreasonable expectation that I get a weekly bin collection as part of paying that $2,400 a year. As aptly pointed out by the Hon. Mr Lucas, that is the expectation of most people who pay high or low council rates. It is still many hundreds of dollars, and in my case over $2,000 a year.

I received this brochure in my letterbox that was presented as a form of consultation with the Prospect community on whether or not we were prepared to engage in fortnightly collection. The problem is that the brochure did not ask me whether or not I wanted fortnightly collection. I did not have the opportunity to say in that brochure, 'I don't want this.' What it did was steer me in the direction of having no choice by asking quite silly questions, really, such as, 'Which questions on the frequently asked questions list did you find most helpful?' 'How can the council assist you in the transition from the current system to the proposed new system?' Not, 'Do you want the system?' 'How can we assist you in adopting it?' 'What is the best way to communicate waste management information to you?'

The PRESIDENT: I remind the honourable member that he has already made his second reading explanation.

The Hon. D.G.E. HOOD: I beg your pardon, Mr President. I am concluding, as I said. I will be brief, and I believe I have been. That was the nature of the questionnaire that was presented to me, and for that reason I sprang into action. I thank members for their contributions. I think we have possibly debated this enough, and it is time to put it to a vote.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: I would like to address a couple of issues that were raised by the Hon. Mr Hunter in his second reading contribution, particularly because he saw fit to refer to amendments which had not been moved. The Hon. Mr Hunter suggested that councils should decide what services they deliver. I agree, but they should do so within the law.

The public environmental health regulations state that residents occupying a premises must ensure that waste that is capable of causing insanitary condition is removed weekly. Whether or not an insanitary condition exists is not the point. The Hon. Mr Hunter referred to advice from the Public Environmental Health Council, and I think it would be of assistance to the council if I actually quoted the letter that Zero Waste has sent to councils reflecting that advice, because it is much more limited than the Hon. Mr Hunter may have been heard to imply. The letter states:

> The Public Environmental Health Council has also advised that as this determination is a matter for the relevant authority, a local council may consider that through participation in the food waste pilot and using the containers provided as instructed, an owner of a premises may (as far as is practical) have a limited capability of the waste to cause an insanitary condition. Therefore, the requirement of the regulation for weekly removal is obviated and fortnightly removal of food waste, with green organic collections, can legally take place.

I stress the key phrase, 'the fortnightly removal of food waste'. That is not the issue. The Hon. Mr Hood's bill addresses the issue of the fortnightly removal of residual waste. If you ask only half a question you get only half an answer. The Hon. Ann Bressington says that we—

The CHAIRMAN: Order! I remind the honourable member that we are addressing the clauses of the bill, and it is not the honourable member's bill, anyway. The opportunity for that response was for the mover of the bill when he wrapped up. The Hon. Mr Wade should have some contribution to clause 1.

The Hon. S.G. WADE: If I could address the implied motives that the Hon. Mr Hunter gave in relation to—

The CHAIRMAN: I do not think it is your job to address what the Hon. Ms Bressington or the Hon. Mr Hunter said. Have you got any questions to the mover of the bill, or any contribution to clause 1 of the bill?

The Hon. S.G. WADE: If I could address the issue of why my amendments are not progressing.

The CHAIRMAN: Your amendments?

The Hon. S.G. WADE: Well, I did not raise them, sir: the Hon. Mr Hunter raised them. I would like to just clarify; the Hon. Mr Hunter has impugned to me motives—

The CHAIRMAN: It is the Hon. Mr Hood's bill.

The Hon. S.G. WADE: Sorry, the Hon. Mr Hunter was the one who was impugning—

The CHAIRMAN: The Hon. Mr Hunter is entitled to his opinion. When you have contributions to clauses it is not the time to clarify or debate what the Hon. Mr Hunter or the Hon. Ms Bressington said.

The Hon. S.G. WADE: If I could just conclude my remarks.

The CHAIRMAN: So, let us move ahead, shall we, and address the clause?

The Hon. S.G. WADE: In conclusion, in my view, this bill is not perfect. It would benefit from further amendment, amendments which I have had drafted but am not moving on this occasion. I certainly hope that honourable members of the other house favourably consider these amendments. In fact, it may well be that the Treasurer, who regards this trial as dopey, and the member for Hartley, who regards it as against the interests of her local members, will see fit to suggest ways of improving it. The amendments that I believe would improve this bill would primarily reflect the public and environmental health regulations which the government has indicated it stands by tonight. I think it is bizarre that the government should object to amendments that—

The CHAIRMAN: Order! I remind the honourable member that he is addressing clause 1. If the member thought that the government was bizarre in any way, he should have mentioned it in his second reading speech. What does the government being bizarre have to do with clause 1?

The Hon. S.G. WADE: With all due respect, the government had not made its position clear at that point. I look forward to the government making its position clear when the bill is before the house.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. M. PARNELL: Clause 5 is the operative clause in this bill. It basically provides:

A metropolitan council must endeavour to ensure that waste collection occurs on a weekly basis in any area of the council that is within metropolitan Adelaide.

My question is: if I have a lead acid battery and a couple of old tyres in my shed, and my council refuses to take them, what action can I take against the council? Do I have an action in the Supreme Court in mandamus or some prerogative writ that it has failed to comply with its statutory obligation by not taking away that rubbish when I want it to each week?

The Hon. D.G.E. HOOD: The situation is unchanged from the current situation.

The Hon. S.G. Wade interjecting:

The Hon. D.G.E. HOOD: That's right.

The Hon. M. PARNELL: I ask the mover to explain that. My understanding is that this bill does a couple of things. It creates a legal obligation on local councils that was not there before even though, as we have all heard, local councils have the role of rubbish collection. My understanding is that there is no statutory provision anywhere which says that local councils must collect rubbish. That has developed over time. They certainly have responsibilities under the Public and Environmental Health Act, which says that the health of an area is in the hands of the local council. This is the first time that there has been a statutory obligation on them to collect rubbish.

What I am interested in is: now that we have created an obligation on them for the first time, what are the consequences of their not collecting the rubbish? Can a dissatisfied property owner take them to court to force them to collect rubbish weekly?

The Hon. D.G.E. HOOD: I understand that they are currently obliged to do so under the health regulations, anyway, and that the penalty can be up to $1,000.

The Hon. M. PARNELL: The Public and Environmental Health (General) Regulations that have been referred to elsewhere basically talk about the owner of premises taking reasonable steps. They do not mention the council having responsibility. I am not denying that the council has general responsibilities under the Public and Environmental Health Act, but my understanding is that this bill, for the first time, sheets home responsibility for rubbish collection directly to councils. If the honourable member is uncertain of the answer, that is fine. The question in my mind is: having created a responsibility for them to do something that they did not legally have to do before but were doing for other reasons, are we perhaps opening councils up to threats of litigation?

Let us say that a council has a referendum in its local area, and 95 per cent of people are happy with some new arrangements that have been put in place that might involve fortnightly collection, yet we have an act of parliament—if this goes through—which says that they must endeavour to collect on a weekly basis. I just wonder whether we are opening councils to legal action at the suit of perhaps even a minority of unhappy ratepayers.

The Hon. S.G. WADE: The Hon. Mr Parnell has raised the issue of councils' obligations in relation to the collection of waste. In that context, I refer him to section 16 of the Public and Environmental Health Act 1987, which provides:

If premises are in an insanitary condition, any person who is responsible for causing the condition or allowing the condition to occur is guilty of an offence.

I put it to the Hon. Mr Parnell that, if an occupier has a responsibility under section 4(2) of the Public and Environmental Health (General) Regulations to make sure that any material that is capable of causing an insanitary condition is removed, the council, by failing to deliver a service, in that context, I believe, under section 16, is guilty of causing that condition. There is a fine of $8,000. It is all well and good for opponents of this bill to say that we should let the councils do what they like and ignore the law. The regulations state that occupiers shall ensure that material that is capable of causing insanitary conditions is removed at least weekly.

An honourable member: Occupiers.

The Hon. S.G. WADE: Occupiers, yes, but why should—

The Hon. I.K. HUNTER: Sir, I rise on a point of order. I hardly think it appropriate for the Hon. Mr Wade to be answering questions on behalf of the Hon. Mr Hood, particularly those that have not been asked of him yet. If the Hon. Mr Wade has a question to put to the member who introduced the bill he should do so. But to attempt to answer a previous question from another member, I think, is not in order.

The CHAIRMAN: I think the bill might have been a joint effort, with respect to whose bill it is. I am a little confused as well.

The Hon. S.G. WADE: Sir, on the point of order, the Hon. Mr Parnell did not ask a question about it.

The CHAIRMAN: It is not your position to make anything on a point of order. It is the chair's position. The point that the Hon. Mr Hunter made is quite valid. I think you are straying. The Hon. Mr Parnell did not direct his question to you. The Hon. Mr Hood was asked the question and he has chosen not to give an answer. If you have any further contributions with respect to clause 5 you might want to get to them. The night is getting on.

The Hon. M. PARNELL: I have a supplementary question on clause 5. Whether it is under regulation 4 of the Public and Environmental Health Regulations or whether it is under section 16, none of those sheets any responsibility home to the local council. This bill changes that for the first time. Just for the benefit of members, there has been a lot of talk about insanitary conditions. Whilst it is not defined in the Local Government Act (and this bill is amending the Local Government Act), it is defined in the Public and Environmental Health Act as follows:

> Premises are in an insanitary condition if—
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> (a) the condition of the premises gives rise to a risk to health; or
>
> (b) the premises are so filthy or neglected that there is a risk of infestation by rodents or other pests; or
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> (c) the condition of the premises is such as to cause justified offence to the owner of any land in the vicinity; or
>
> (d) offensive material or odours are emitted from the premises; or
>
> (e) the premises are for some other reason justifiably declared by the authority to be in an insanitary condition.

In relation to clause 5, my experience with the way in which this act and these regulations under the Public and Environmental Health Act have been interpreted is that they have never been applied to waste in a rubbish bin sitting waiting for collection, whether it has been sitting there for a day, a week, two weeks or even a month. These laws have only ever been applied, quite sensibly, to serious cases where rats and mice and snakes and other things are involved or it is stinking up the entire neighbourhood. I just wanted to make that additional contribution to clause 5.

The Hon. D.G.E. HOOD: The only thing I can say about the entire point is that I think it is clear that councils have a contractual obligation to collect people's rubbish, by way of taking the council rates, as they gleefully do every quarter, and by the very fact that they do that at the present time.

The Hon. P. HOLLOWAY: Following the line of the Hon. Mr Parnell, I would like to ask a question. This key clause, clause 5, provides that a metropolitan council must endeavour to ensure that waste collection occurs. It does not say 'a metropolitan council must ensure'; it says it 'must endeavour to ensure'. I am interested to know what would constitute 'endeavour'.

Secondly, I ask the honourable member whether 'waste collection' is defined anywhere else in the bill, because it seems to me a council might establish a waste collection but it might do it in such a way that there might be all sorts of constraints on it—so it might be a very limited waste collection, or it could be more comprehensive. I ask the honourable member whether there is any relevant definition of what the scope of the waste collection would be and, also, why is it only 'endeavour' to ensure it, and what would constitute 'endeavour' in relation to establishing waste collection?

The Hon. D.G.E. HOOD: I agree with the minister. When I asked to have this drafted by parliamentary counsel, that is what was returned. The Liberal amendments address both those issues, that is, they delete the words 'endeavour to', so that would be clarified. Finally, amendment No. 3 clarifies exactly what 'waste' refers to.

The Hon. P. HOLLOWAY: Suppose you had a situation where, for various reasons, you could not have a collection for a week—there could be a strike, or any reason. That has certainly happened in some cities in the world and we have seen rubbish pile up. Does that mean the council would be in breach, even if it had—

The Hon. S.G. Wade: It is 'endeavour'.

The Hon. P. HOLLOWAY: Well, we just heard that the Liberal definition was going to take it out. This is why I want some clarification on this point.

The Hon. S.G. WADE: Mr Chairman, on your previous rulings, I cannot see how the minister can ask for clarification of amendments that are not being moved.

The Hon. P. HOLLOWAY: No, I am asking for clarification about the bill and what it means.

The CHAIRMAN: The minister is asking the member who introduced the bill to clarify the word 'endeavour' and what that means, and what responsibility that puts on the council under clause 5. It is nothing to do with the amendments. You can forget about the amendments: no-one has moved the amendments.

The Hon. S.G. Wade: He keeps referring to them.

The CHAIRMAN: The member who introduced the bill just referred to the amendments and said the Liberal amendments clear up this, but the amendments are not being moved.

The Hon. D.G.E. HOOD: Mr Chairman, to be fair, I think we all had anticipated that the amendments would be in the bill.

The CHAIRMAN: Let us forget about the amendments. They are not here. They are gone, and are history.

The Hon. D.G.E. HOOD: Only because the government was not ready to proceed on the basis of the amendments.

The CHAIRMAN: Order! The amendments were withdrawn by the Hon. Mr Wade. They were his amendments and he is not moving them. Now you want to blame the government for the amendments not being moved. Perhaps you want to respond to the minister's question about the word 'endeavour'.

The Hon. D.G.E. HOOD: Well, Mr Chairman, I have.

Clause passed.

Clause 6 and title passed.

Bill reported without amendment.

Bill read a third time and passed.

WHISTLEBLOWERS PROTECTION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 April 2009. Page 1924.)

The Hon. R.D. LAWSON (22:35): I indicate that Liberal members will be supporting the passage of part of this bill, but there are aspects of it that we do not agree with and will not be supporting, and in committee we will be moving appropriate amendments. Perhaps I should begin my remarks by saying that this bill will amend the Whistleblowers Act enacted in 1993—enacted, it might be said, amongst many predictions and much hope that the road of whistleblowers would be paved and that the legislation would produce a more open and accountable government and would encourage openness and accountability by providing protection for whistleblowers.

The legislation has not had anywhere near the positive effect that its original proponents had suggested it would. The enthusiasm, not only in this state but elsewhere, for whistleblowers' legislation has not waned; it still has a number of strong supporters who now say that the whistleblowers' protection ought be extended considerably. It is interesting that most states, I think, have a whistleblower scheme. The federal government does not have one under federal legislation, although in February of this year the House of Representatives Standing Committee on Legal and Constitutional Affairs produced a report as a result of its inquiry into whistleblowing protection within the Australian government public sector.

That report, which is accessible on the web, is entitled Whistleblower protection: a comprehensive scheme for the commonwealth public sector. I do commend the report. Although it is not an entirely comprehensive or convincing report in all aspects, it certainly is an up-to-date analysis of what should be included within whistleblower legislation. The two defects the honourable member has identified relate, first, to the fact that a whistleblower, in order to obtain

protection under the current legislation, must in effect report maladministration or misconduct to the whistleblower's superior.

A hierarchy is set out in the act, for example, whistleblowing in relation to the use of public money; the appropriate authorities; the Auditor-General; where the information relates to a member of the police force to the Police Complaints Authority; and where the information relates to a member of the judiciary to the Chief Justice, etc. Disclosure of public interest information as defined must be made to an appropriate authority. What the honourable member proposes in this bill is to extend that hierarchy to include, in certain circumstances, the media, so that disclosure of public interest information, if it is made to the media, is deemed to be if the person reporting reasonably believes that reporting to another authority would cause detriment to the person or the authority would not act upon it. In other words, what is proposed here is that the whistleblower have the onus of demonstrating that the whistleblower believes on reasonable grounds that, if a matter is reported to another person or authority, detriment will be caused to that person or the authority would not act upon it. That is a fairly high onus, a difficult hurdle to be cleared by a whistleblower.

The case referred to by the honourable member is the celebrated case of Alan Kessing, who was a security person with an involvement in airport security. He wrote a report about the lack of security at airports, which was not acted upon by governments over a number of years; I think a couple of years. Ultimately, Mr Kessing leaked the report to *The Australian* newspaper, which published it. There was a great furore and alarm that our airports lacked security. Mr Kessing was remonstrated with by his superiors, having raised the matter of security.

The government immediately took action to improve security. However, for his troubles in this matter, Mr Kessing was sentenced to a term of imprisonment for releasing confidential information. I believe that he is currently applying to the High Court for leave to appeal against that conviction. I do not have any up-to-date news on the status of that application. I would be pleased to hear from the mover in his response whether or not Mr Kessing has obtained some redress in the High Court.

Irrespective of the fate of Mr Kessing, it does highlight a difficulty where Mr Kessing, it could be said, believed on reasonable grounds that if he had reported the matter to a superior authority no action would be taken. In fact, he had reported it to authorities up the line. Apparently, he had been quite persistent in those complaints, but he was not listened to until after he had leaked the information.

Ordinarily we would not think it necessary for legislation of this kind to be passed, but the fact is that we have learned from the inactivity of this government in relation to matters of public maladministration, and we now realise that the whistleblower legislation has not been effective here. This government will not listen. It has the capacity to bully and cower departments and others. It is keen on intimidation and it does not like to see material in newspapers which it has not chosen to leak to its advantage.

A good example of this government's attitude to whistleblowers legislation can be seen in the existing provisions. Section 5(5) provides:

> If a disclosure of information relating to fraud or corruption is made, the person to whom the disclosure is made must pass the information on as soon as practicable to—
>
> (a) in the case of information implicating a member of the police force in fraud or corruption—the Police Complaints Authority;
>
> (b) in any other case—the Anti-Corruption Branch of the police force.

If disclosure is made about fraud or corruption this section provides that it be reported that the Anti-Corruption Branch of the police force.

It is quite interesting to note what happened at the end of 2002 when the Treasurer's assistant reported the fact that Randall Ashbourne was endeavouring to obtain appointment to government boards for Ralph Clarke. Following the Whistleblowers Protection Act, that report should have been made immediately to the Anti-Corruption Branch of the police force, but it was not. The government commissioned an in-house inquiry, conducted by the head of the Premier's department, who, not surprisingly, first, whitewashed Randall Ashbourne, the senior adviser to the Premier; and, secondly, also not surprisingly, bungled the investigation so that certain evidence would not subsequently be used effectively.

On that occasion, the government failed to honour the whistleblowers act by reporting a matter to the Anti-Corruption Branch. It went off, and for seven months remained absolutely silent

about this. He made no report to the police. Eventually, they had to report it to the Crown Solicitor, who said immediately, 'This should be referred to the Anti-Corruption Branch', and it was; and, in consequence of that, certain things eventuated. The public was kept in the dark. The government managed to avoid political embarrassment for some time.

The point is that this government is not particularly interested in complying with the spirit of the Whistleblowers Protection Act and we think it is appropriate that the amendment which would allow a person who, on reasonable grounds, believes that, if he or she reports to another, that person will suffer detriment. This is a surprising attitude to be taken by one of the political parties represented in this chamber which will be in government in the fullness of time—probably next year, but certainly at some later time—but you might say, 'Well, if you think you are going to be in government, the last thing you want to do is encourage public servants and others to be providing information to the media.'

However, we believe that it is appropriate that a person have that opportunity, and we believe strongly enough in accountability that we think this reform ought to be adopted. It is also fair to say that the protection offered under the whistleblowers act (as it exists) is pretty limited. Informants simply cannot be prosecuted or victimised—that is what the act says—but the fact is very few people who are minded to be whistleblowers believe that they will escape scot-free from victimisation. They think there will be some retaliation from the department, their superiors or the government, and most are simply not prepared to take on the system.

You have to be a particular sort of person to want to be a whistleblower. You may well avoid prosecution because you cannot be prosecuted, but the way of the whistleblower is still extremely difficult. There are few incentives in the whistleblower legislation to encourage people to come forward. As I say, there is simply this rather mild protection.

The second reason why the Whistleblowers Protection Act has not been as successful as its proponents originally hoped was that—and this is surmise on my part—most potential whistleblowers thinking about it would probably come to the conclusion that not much will happen, even if they do release information to their superior, and what is the point of it. I must say I have become cynical enough to know that it is much more likely for action to be taken by a government if it feels that the sterilisation of sunlight will occur through the media.

Incidentally, I should say here that in the fullness of time South Australia will have an independent commission against corruption, which will be important. However, in the absence of such a commission we have to provide avenues and pathways for whistleblowers to come forward. One would hope that when an independent commission is established it will provide a universal avenue which will engender public trust; people will believe that they can go to that commission and not suffer retaliation, reprisals or victimisation.

The current scope of the Whistleblowers Protection Act is that public interest information is information that relates to maladministration, illegality, corruption and the like. The second part of the Hon. Mr Winderlich's bill seeks to extend the notion of public interest information to matters such as breaches of public trust, scientific misconduct, and conduct causing danger to public health or safety or to the environment. We believe there is a danger in such a widening of whistleblower protection legislation.

The notions of what is public trust and what is scientific misconduct and the like are rather vague. We do not want to turn the Whistleblowers Protection Act into some sort of zealot's charter, so that everyone who has a bee in their scientific bonnet can accuse public health officials and others of scientific misconduct, of being a climate change sceptic and therefore being guilty of scientific misconduct. We believe that is going a bridge too far, it is extending whistleblower legislation beyond what it is intended to be—that is, a mechanism for exposing maladministration, fraud, illegality and the like.

I know the mover of this bill is a passionate supporter of environmental causes, but we believe it would be going too far if we were to turn the whistleblower legislation into a charter for environmental activists. We will not support that aspect of the bill and will seek to have it excluded during the committee stage. However, subject to that exclusion we will support the extension of whistleblower protection for reports to the media in the circumstances outlined in the bill.

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

NATURAL RESOURCES COMMITTEE: UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT

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

That the 25th report of the committee, on the Upper South-East Dryland Salinity and Flood Management Act, be noted.

(Continued from 26 November 2008. Page 940.)

The Hon. DAVID WINDERLICH (22:54): This report has been around for some time, although I understand that no-one has yet spoken to it. I think it should not pass without some form of recognition and comment, as I think it is an important report. I am a member of the Natural Resources Committee that prepared this report, but I was not a member at the time it was prepared.

The report concerns the ongoing debate on the construction of deep drains in the Upper South-East. My instinctive position is broadly that nature knows best and that, as far as possible, you work with nature and do not radically reshape landscapes and natural systems. Therefore, the view put by those who oppose the deep drains makes a lot of sense to me, that is, control salinity with deep-rooted planting instead of drains.

I know that many people do not share this view and that a number of the landowners support the deep drain project, so in my remarks I will deal with some of the objective facts as determined by the Natural Resources Committee in this report and some of its findings and look at the disturbing tendency in this debate and address what I think is a misconception around some of the division between the different sides of the debate.

In relation to what I think have been agreed by the Natural Resources Committee as some of the key facts, the deep drainage program was developed in the much wetter period of the 1990s when, after a series of very wet years, it was felt necessary to take action to address flooding of the landscape. To date, the committee report also finds that the digging of drains has had a negative effect on the local wetlands, with only .06 per cent of the pre-drains wetlands still remaining and at least one species (the Yarra pygmy perch) being made extinct by the deep drain project from a local habitat (Henry Creek).

So far, it appears that the drains have certainly had negative environmental effects. In terms of the findings of the committee's report, it found a bias towards deep drainage engineering works evident within the Upper South-East program, with little attention placed on considering alternative measures, such as revegetation and shallow surface drains solutions to salinity and flooding.

The committee found a lack of transparency in relation to the release of program documents, although it found that this had improved under the new chief executive. I will return later to the issue of the lack of transparency. The committee found that there is still some debate and conjecture surrounding the Bald Hill Drain being pursued by the Upper South-East program team as to whether it would result in damage to wetlands and extinction of threatened species; however, it did support the Reflows project proposed as part of the drainage project.

The committee found rigorous and detailed scientific evidence of the rapid decline and probable local extinction of two species of freshwater fish in Henry Creek and the Upper South-East as a direct consequence of the Upper South-East program drainage construction. It found disagreement about appropriate actions to best protect the remaining wetlands, with representatives of the two main government departments charged with overseeing their protection (the Department of Water, Land and Biodiversity Conservation and the Department of Environment and Heritage) offering starkly contrasting views.

While the Department of Water, Land and Biodiversity Conservation was effectively urging full steam ahead with drain digging, environment and heritage officers warned that the Reflows drains were unproved and that the last remaining drain to be dug (the Bald Hill Drain) was high risk and should be postponed.

The report's recommendations include that no further steps towards construction of the Bald Hill Drain or Reflows occur until there was a thorough independent assessment of all drainage options on the West Avenue watercourse and wetlands. This is in progress, with the minister considering two reports at the moment: one a community consultation and the other more in the nature of an environmental assessment.

It is important to note that there was also a dissenting report to the Natural Resources Committee report, the Upper South-East Dryland Salinity and Flood Management Act report, which was provided by my predecessor, the Hon. Sandra Kanck. In her dissenting report, she argued that the committee had been presented with evidence that no wetland in the Upper South-East scheme is in better condition than it was prior to the construction of the drains. The South-East, in general, was comparable to the Kakadu wetlands in the Northern Territory and had been largely destroyed by this program and that what remained should be preserved.

The dissenting report pointed out that the project managers have a poor environmental record. On their watch, the Yarra pygmy perch has become extinct at Henry Creek. These same people should not be trusted to build another drain, she argued. The honourable member thought it was pointless to wait for an environmental impact assessment because the evidence was already in about the impact of the earlier drains.

I want to return to a disturbing tendency that has emerged during this debate, that is, the attempt to suppress, censor and distort evidence by the Department of Water, Land and Biodiversity Conservation.

Mr Frank Burden, former commonwealth government senior scientist turned beef farmer, who owns and operates a property near Tintinara in the Upper South-East, alleged that the Department of Water, Land and Biodiversity Conservation had attempted to silence various critics of the project and drew the committee's attention to a letter written by the Department of Water, Land and Biodiversity Conservation's former chief executive, Rob Freeman, in which he said, 'I would urge the Committee not to publish Mr Burdens submission.' This was a letter he wrote to a Senate committee investigating salinity.

The Natural Resources Committee found evidence supporting Mr Burden's claims of what they termed unhelpful departmental performance. Mr Frank Burden also gave a list of 31 reports associated with the Upper South-East program, allegedly suppressed by the Department of Water, Land and Biodiversity Conservation.

CDs supplied by Mr Willis of the Department of Water, Land and Biodiversity Conservation contained some of the allegedly suppressed reports; others were sourced from other places. The committee also was critical of what they saw as attempts to suppress information in this context. This tendency to suppress or distort information appears to have continued. On 30 April, I asked a question on this issue of the Minister for State/Local Government Relations, representing the Minister for Environment and Conservation. My briefing notes state:

> In the last few years the Department of Water, Land and Biodiversity Conservation has been accused of suppressing information by a number of parties including the Natural Resources Committee of parliament. In 2008 the Upper House in noting the report of the Natural Resources Committee into Deep Creek actually voted to condemn those officers who either misled the committee and therefore the parliament or who failed to provide requested information to the committee.
>
> This experience was repeated in relation to the Upper South East Drainage Scheme where the NRC Committee report 'To Drain or Not to Drain', which was published in November 2008, found some lack of transparency in relation to release of program documents. This is a very polite way of describing attempts by program officers to prevent access to key documents by the committee and other parties.
>
> It now emerges that officers of the DWLBC are claiming that water tables in the South-East are rising to justify the need to proceed with the construction of the Bald Hill drain. This is important because the Bald Hill drain, which potentially threatens the last wetlands (the Parrakie wetlands), which are the last major wetlands in the Upper South East is designed to draw excess water away from farmland. However, an analysis provided to me by a scientist shows a clear decline in water tables over 20 years in the Upper South East. He based this data on a government website: https://obswell.pir.sa.gov.au/page/water_level/start.html. So, either the Department of Water, Land and Biodiversity Conservation officers are ignorant of this website, which is a government website, or they are being deliberately misleading.
>
> Members should note that the Natural Resources Committee report also found a bias toward deep drain engineering work within the Upper South East program.

I then went on to pose of a number of questions, as follows. Will the minister inquire into whether the Department of Water, Land and Biodiversity Conservation officers are either ignorant or deliberately misleading the community about the real state of watertables in the Upper South-East? What action will the minister take if it is determined that the Department of Water, Land and Biodiversity Conservation officers have been deliberately misleading the community and possibly the minister himself? On 30 April, I asked the minister the following question: given that there are now a number of serious allegations about either the honesty or competency of this department, will the minister ensure that he obtains advice from a number of independent sources about the

actual situation in the Upper South-East and the environmental impact of the Bald Hill Drain on the natural environment?

Finally, I want to correct an impression that has been created that this is somewhat of a battle between environmentalists and farmers and producers. In fact, that is far from the truth. The main opponents of the deep drain project are, in fact, long established, highly successful, prosperous and awarded farmers. Jack and Pip Rasenberg have received an IBIS award for sustainable farming. They have also won a meat industry award for their Wagyu beef cattle. James Darling, another outspoken and articulate opponent of the deep drains, is well recognised as a pioneer of salt land farming. He runs Angus, Simmental and Poll Hereford bloodlines, which he sells to the EU market, reaching the top category carcass weight, 300-327 kilograms. I have visited his farm, and it is obviously very well run; it looks very prosperous.

Patrick Ross is another large and successful landholder. So, in fact, this is not an argument between environmentalists and primary producers but two different approaches to primary production, between perhaps a more traditional approach and a group of innovative and pioneering farmers who are striking a new balance between sustainability and productivity in agriculture.

As I have said, the matter will ultimately be decided by the minister for environment and heritage, who is considering an environmental assessment and a community consultation report. I certainly hope the minister makes the right decision which, in my view, is not to go ahead with this drain. I think it is important that there has at least been some comment on this important report before we proceed to note it.

Motion carried.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June 2009. Page 2507.)

The Hon. B.V. FINNIGAN (23:09): I intend to make only a brief contribution this evening and then to seek leave to conclude my remarks. I understand that the other speakers do not intend to make a contribution tonight. This bill raises a number of issues about the extent of recommendations made by the Coroner and reporting requirements of ministers under section 25 of the act.

I am not sure whether you would describe this bill as the Hon. Mr Winderlich's bill or the Hon. Ms Kanck's bill; I suppose the Hon. Ms Kanck first moved it. The proposed amendments result from a number of cases over the years, in particular, from some of the issues arising out of the case of Saraf v Johns, before Justice Debelle, in the Supreme Court. A number of changes are therefore proposed to the act in relation to reporting and the extent of the Coroner's power to make recommendations.

The amendments proposed in this bill would reduce the time in which a minister's report on actions to be taken on recommendations about a death in custody must be prepared and tabled to within eight days of the expiration of three months after receiving the report, as opposed to the current time frame which is within eight sitting days of the expiration of six months after receiving the report.

Given that these sorts of coroner's reports are generally quite detailed, particularly those that are likely to give rise to a number of recommendations from the Coroner, the recommendations may require several changes to different pieces of legislation and involve a lot of different departments and agencies. In those circumstances, there is a concern that the proposed shortening of the time frame in which a minister's report must be tabled would make it difficult to allow proper and thoughtful consideration of the Coroner's recommendations; similarly, in relation to supplementary reports, with respect to the ability that this proposed bill gives for the Coroner to require supplementary reports if he so chooses.

The government is concerned that that would require the court to police its findings rather than, as is currently the case, inquire into events that are the subject of the act and, where appropriate, make recommendations. The minister's report is then tabled in parliament. The Coroner includes the responses to the court's recommendations in his annual report. That is already an open and transparent process that does not put the Coroner's Court in a position where it has to be the guardian of its own findings. It is also a concern in relation to the proposed amendments here.

The other major question, which is the subject of this proposed bill, is in relation to the Coroner's power to make recommendations and whether that ought to be extended. I think that is one of the major areas of concern that has prompted this bill. It is worth noting that the court is already empowered to make recommendations aimed at preventing or reducing the likelihood of similar deaths. Section 25(2) of the act provides:

> The Court may add to its findings any recommendation that might, in the opinion of the Court, prevent or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the inquest.

This bill proposes to empower the Coroner to make recommendations on matters that are extraneous to the event which is the subject of an inquest. The difficulty with that, of course, is that it would significantly broaden the work of the Coroner's Court and act as an inducement to parties to seek to broaden the arguments and the matters being agitated before that court. This would add to the complexity of an inquest and the time and resources necessary to conduct it.

There are some very significant concerns about the changes proposed in this bill. If the mover insisted on bringing it to a vote in the near future, the government would oppose the bill. The government is examining the issues raised in the case of Saraf v Johns and the broader question of the power of the Coroner to make recommendations.

The government is consulting the Coroner on these matters, particularly on jurisdictional matters raised by Justice Debelle in the Saraf case and on whether the Coroner's power to make recommendations needs to be extended.

While that consultation is underway, the government would prefer to defer further consideration of the bill. As I said, if the honourable member decides that he wants it brought to a vote in the more immediate future, it would be the government's view to oppose the bill. I intend to address further the issues raised. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

WATERWORKS (RATES) AMENDMENT BILL

Consideration in committee of the House of Assembly's message.

The Hon. P. HOLLOWAY: I move:

> That the council do not insist on its amendment.

To briefly summarise the debate as it went previously, as the minister in another place has stated, the only reason water prices currently must be gazetted by 7 December each year is that under the existing act customers have a consumption year that may commence as early as mid-December in the year before prices come into effect. The bill removes the consumption year provisions so that customers pay only a financial year's prices for water use in that financial year. Consequently, the need to gazette prices seven months before they come into effect will no longer exist.

As I previously stated during debate, it is logical for a government to be able to set water prices as part of its normal budget process each year, and 1 June still provides the community with a month's notice of new water prices. Furthermore, 1 June is close to when new prices will apply, making the information more relevant and useful to customers. The effect of the opposition's amendment will be to require prices to be fixed six months before they are to take effect. The minister has already indicated in another place that such a long lead time would be inconsistent with other states, such as New South Wales, Western Australia and Victoria, which generally provide only about four weeks' prior notice.

The purpose of this bill is to enable customers to have greater information and better control over their water use and its cost. By enabling quarterly water use billing, customers will receive more timely information about the amount of water they have used and its cost. Members will be aware that water prices for 2009-10 include a reduction in the fixed annual water supply charge to enable customers to reduce their water bills by being more water wise. The more timely information provided by quarterly water use bills complements that measure. Quarterly water use billing also aids family budgeting by smoothing out water charges over the year, subject to any reasonable pattern in customers' water use.

I understand the Hon. Mark Parnell has tabled an alternative amendment. Given that the issue has been raised that, given there is an election due next year, the price for water should be available this year, I indicate the government will support that amendment, so that should remove any argument about the government doing that. At least with the Hon. Mr Parnell's amendment it

would then mean that after that year we would move to the very sensible proposition that water pricing would be set in June each year.

Members interjecting:

The Hon. P. HOLLOWAY: We have not been caught out at all. The principal issue is that for this year we will compromise, and that will remove any argument. If we accept the Hon. Mark Parnell's amendment, we can have a commonsense position thereafter. I indicate we will support that measure.

The Hon. M. PARNELL: I move:

That the Legislative Council no longer insists on its amendment but makes the following amendment in lieu thereof:

Schedule 1, clause 1, page 6, after line 27 [Schedule 1, clause 1]—Insert:

(7) In addition, water rates for the 2010/2011 financial year must be fixed by the minister on or before 7 December 2009 (and section 65CAA(1)(a) of the principal act, as inserted by this act, will not apply with respect to the 2010/2011 financial year).

(8) Subclause (7) does not apply to a charge or rate within the ambit of section 65CAA(1)(b) of the principal act, as inserted by this act.

I have circulated an alternative amendment which has part of the minister's motion in common, that is, that the Legislative Council no longer insists upon its amendment, but with an amendment in lieu thereof.

I have circulated the text of that amendment. It is identical to the amendment that I circulated when the bill was last debated; however, we did not get to discuss this amendment then. I circulated it when we debated the bill but I did not move it because it was effectively pre-empted by the Liberal motion to amend the bill to permanently set the price for water in December.

Very briefly, my proposed amendment is to the transitional provisions of the bill; in fact, it includes what I say is the best of both worlds. We will maintain the old system of setting the water price publicly in December, but after December 2009 we will then move to setting the water price in June.

I put on the record my thanks to the government and to minister Maywald for accepting that this is a good compromise. It does provide the community, before the next election, with an understanding of what water prices will be, but after that it provides for the more consistent approach that the government has outlined in its bill, which is that the price be set each June, to come into effect from July.

The Hon. S.G. WADE: I understand that the government has had discussions with crossbench MPs, so the numbers will not be with the opposition on this occasion, but we would like to reaffirm our commitment to our original amendment. I would like to respond to a couple of points made by both the minister here and the minister in another place.

The minister in the other place suggested that the government does not have the flexibility to use SA Water—she did not use these words, but to summarise—as a milch cow. She said:

In fact, since 2003, the government has operated under a process for setting water prices which ensures that the prices are set consistent with national pricing principles. That process is documented for public scrutiny in the annual transparency statement and is open to independent review by the Essential Services Commission of South Australia.

She concludes by saying:

Quite simply, the government does not have the sort of flexibility in determining water prices that members opposite imply.

I would refer the minister and members of the council to the National Water Commission Report, National Performance Report, Part A: Comparative Analysis. That shows that the dividend payout ratio of major metropolitan water utilities varied between 45 per cent dividend payout ratio to 105 per cent.

All of these agencies operate under the same principles that minister Maywald is suggesting predetermine the government's take. The highest was 105, the lowest was 45. So, far from what minister Maywald might have led members to believe, this is not a formulaic approach which protects the South Australian taxpayer from SA Water being used as a milch cow.

Secondly, I would remind minister Maywald that minister Holloway implored the opposition on the last occasion this matter was before this house, that we should, if you like, keep some budget flexibility up our sleeve to change the rate after we got elected. We on this side of the house are committed to a December price announcement because we believe that we need to be open and transparent.

The main bulk of the minister's contribution in the House of Assembly was actually to regale us with a whole series of practices interstate in terms of what time of the year they made their announcements. What the minister failed to mention was that we are the only state without independent economic regulation price setting. So, of course you can have more confidence in a process which, if you like, has less political accountability if you have less politics in it. I make that point.

Thirdly, during the division at the conclusion of our consideration in this chamber, it was suggested to me that the Liberal opposition was playing politics. In fact, I would put it to the chamber that the Liberal opposition would be playing politics if we had supported Mr Parnell's amendment in the first instance, and therefore we certainly will not be this time.

The reason I make that point is that it would certainly be easier for us to support the Hon. Mr Parnell's amendment so that the only occasion on which our government would need to make a December price announcement is this December (December 2009), because we will not be in government. What we were saying is that we want to be consistent.

Considering that we have fixed terms, we want the government to be accountable for its water price at least three months before the election, not only this election year but every election year. As I said, we do not have the numbers, but we are committed to the original principle of our amendments. We appreciate that we do not have the numbers on the day, but we certainly are pleased that the Legislative Council saw fit to expose the trickery of the government in trying to hide the water price before the next election.

The Hon. P. Holloway's motion carried; the Hon. M. Parnell's amendment carried.

APPROPRIATION BILL

The House of Assembly requested that the Minister for Mineral Resources Development (Hon. P. Holloway) and the Minister for State/Local Government Relations (Hon. G.E. Gago), members of the Legislative Council, attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (23:27): I move:

That the Minister for Mineral Resources and Development (Hon. P. Holloway) and the Minister for State/Local Government Relations (Hon. G.E. Gago) have leave to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

At 23:28 the council adjourned until Thursday 18 June 2009 at 11:00.