HOUSE OF ASSEMBLY

Tuesday 25 March 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

PORT LINCOLN CENTENARY OVAL

A petition signed by 3 281 residents of South Australia, requesting the house to urge the government to retain the Port Lincoln Centenary Oval as a recreational reserve, was presented by Mrs Penfold.

Petition received.

MAGIC MOUNTAIN

A petition signed by 894 residents of South Australia, requesting the House to urge the government to provide significant open space and/or parkland on the site known as 'Magic Mountain', was presented by Dr McFetridge.

Petition received.

POLICE NUMBERS

A petition signed by 256 residents of South Australia, requesting the House to urge the government to continue to recruit extra police officers, over and above recruitment at attrition, in order to increase police officer numbers, was presented by Mr Brokenshire.

Petition received.

REVIEWS AND CONSULTANTS

In reply to **Ms CHAPMAN** (31 July 2002).

The Hon. S.W. KEY: There have not been any reviews undertaken or scheduled to take place within the Status of Women portfolio since the Government was elected.

In reply to **Mr BRINDAL** (6 August 2002).

The Hon. S.W. KEY: There have not been any reviews undertaken or scheduled to take place within the Youth portfolio since the Government was elected.

In reply to **Hon. DEAN BROWN** (6 August 2002).

The Hon. S.W. KEY: The following information is provided for the period 5 March 2002 to 29 July 2002. Please note that this information for the whole of the Department of Human Services and will be the same as the information provided by the Minister for Health:

Reviews since government was elected

Name of review	Scope of review	Consultant (if applicable)	Cost
Management Structures Review Project	Review of DHS management and organisational structure	Lizard Drinking	$38 700
Child Protection Review	Reviewing child protection policy and practice within government Departments and government funded services as well as criminal processes and legislative frameworks. Started April 02—to be finished end December 02	Robyn Layton QC	$125 000
Review of the structure and functions of Family and Youth Services	To provide advice to the Minister for Social Justice on the proposed regional structure for FAYS, July 02	Des Semple & Associates	$12 000
Review of Hospital Performances	Reviewing hospital performances over the past five years using a range of performance indicators	J Bissett Associates	$25 000
SACHA IT Review	Review of SACHA Information Technology internal and external systems	Aspect Computing Pty Ltd	$20 800
Review of Infection Control in Metropolitan Hospitals	To evaluate the effectiveness of infection control programs, policies and procedures in South Australian public hospitals and review the status of control and recommend ways to improve systems	MA International Pty Ltd Drs Brennan, Spellman & Hughes	$46 000
Review of Assessment and Transition Practices in Public Hospital Projects	Consultancy to examine hospital-based assessment practices that facilitate the transition of older people from the acute setting	University of South Australia	$83 200
Generational Health Review (GHR)	Examining: Strategies for an optimal health system Strategies to meet future demand Mechanisms to ensure co-ordination and integration Potential funding models Strategies to improve community participation Strategies to facilitate whole of government planning Strategies to develop non-gvt and private sector initiatives Workforce requirements Strategies to rebuild connections and capacity The GHR is being carried out by an independent committee, supported by a research team comprising predominantly public sector employees.	Mr John Menadue—Chair. Ms Carol Gaston—Deputy Chair and Executive Officer. Committee members: A/Prof Judith Dwyer, Ms Sarah Mcdonald, Dr Helena Williams, Prof Dick Ruffin, Prof Paddy Phillips, Prof David Wilkinson, Prof Stephen Leeder, Ms Sue Crafter. Ms Kate Griffith—media strategy Prof Kathy Eagar—expert advice to the Governance and Funding Task Group.	$750 000 committed to the Review. Payments at 30 June 02 $301 365

Title of Review	Details of Review	Consultant (if applicable)	Total Cost of Contract $ (if applicable)
SA Community Housing Authority (SACHA) Group Self Build Program	Review of SACHAs Group Self Build Program	No consultants engaged	Up to $10,000
Community Services Review	The Government has committed to a review of Community Services. Terms of Reference for the Review are being developed. Timing for the Review has not yet been determined.	Consultants may be engaged however there are no firm plans to engage consultants at this stage	N/A
State Housing Plan	DHS will proceed to shape the State Housing Plan and resources will be found for the development of the plan from within the current portfolio budget allocation.	Consultants may be engaged however there are no firm plans to engage consultants at this stage	N/A
Review of Mental Health Community Based Information System	Review to be undertaken of the Mental Health Community Based Information System project casts as submitted by the remaining shortlisted respondents	Limited tender to be undertaken with 3 consultancy organisations asked to quote	Up to $9000

AUDITOR-GENERAL'S REPORT

In reply to **Hon. DEAN BROWN** (4 December 2002).

The Hon S.W KEY: The 2002-2003 budget allocation for Minda contained a savings requirement of $71 239. However, the overall budget for Minda in 2002-2003 rose from $22 283 339 to $23 383 298, an increase of 4.9 per cent.

In reply to **Ms CHAPMAN** (4 December 2002).

The Hon S.W KEY: The Office for the Status of Women had a cash balance of $0.287 million as at 30 June 2002, which is only slightly less than the $0.291 million which was published as the budget target in the Portfolio Statements for 2001-02. This cash is held a portfolio deposit account, which forms part of the whole of government consolidated account within the Department of Treasury and Finance.

It is presumed that the 'extra amount of some $30 000' the honourable member refers to is the $24 thousand gap between the 2001-02 estimated result of $315 thousand cash balance and the original 2001-02 budget of $291 thousand cash balance which appears on page 9.50 of budget paper number 4, Volume 2 of the portfolio statements. As the Member may appreciate these documents are prepared some time before the end of the financial year to allow publication of the subsequent year's budget prior to the commencement of that financial year, and hence the 2001-02 Estimated Result is just that, an estimate. I am pleased to advise that the actual cash balance of the Office of Status of Women at the end of the financial year was in fact $287 thousand which I am sure the Honourable Member would agree is remarkably close to the 2001-02 Budget of $291 thousand.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Australasia Railway Corporation—Report 2001-2002

By the Minister for the Arts (Hon. M.D. Rann)—

Art Gallery of South Australia—Report 2001-2002

By the Minister for Police (Hon. P.F. Conlon)—

Regulations under the following Act—
Firearms—Licences for Primary Production

By the Minister for Emergency Services (Hon. P.F. Conlon)—

South Australian Metropolitan Fire Service—Report 2001-2002

By the Attorney-General (Hon. M.J. Atkinson)—

Judges of the Supreme Court of South Australia—
Report—2001
Report—2002
Regulations under the following Acts—
Community Titles Act—Remake, Amendments
Strata Titles Act—Remake, Amendments
Rules of Court—
District Court—Ejectment
Supreme Court Act—Corporations Rules 2003

By the Minister for Consumer Affairs (Hon. M.J. Atkinson)—

Regulations under the following Acts—
Consumer Transactions—Hairdressing
Liquor Licensing—Dry Areas—
Dimjalla Skate Park
Naracoote

By the Minister for Health (Hon. L. Stevens)—

Regulations under the following Act—
Chiropodists–Annual Fees

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Regulations under the following Act—
Water Resources—
Marne River, Saunders Creek
Tintinara Coonalypyn Wells Area
Local Council By-laws—
City of West Torrens—No 5—Dogs
Wakefield Regional Council—No 5—Dogs

By the Minister for Transport (Hon. M.J. Wright)—

Legislative Review Committee Report on Regulations under the Passenger Transport Act 1994, Response to

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Acts—
Construction Industry Long Service Leave—Long Service Levy
Workers Rehabilitation and Compensation—Practitioners Charges

By the Minister for Local Government (Hon. R.J. McEwen)—

Regulations under the following Acts—
City of Adelaide—Allowances and Benefits
Local Government—
Allowances and Benefits
Revocation
Rules under the following Act—
Local Government—Local Government Superannuation Scheme—Allocated Pensions
Local Council By-Laws—
District Council of the Copper Coast
No. 1—Permits and Penalties
No. 2—Boat Ramp
City of West Torrens
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
Wakefield Regional Council
No. 1-Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land

No. 4—Roads
No 6—Bird Scaring Devices.

GENETICALLY MODIFIED FOOD

The Hon. J.D. LOMAX-SMITH (Minister for Science and Information Technology): I lay on the table a copy of a ministerial statement on genetically modified canola made today in another place by my colleague the Minister for Agriculture, Food and Fisheries.

ECONOMIC AND FINANCE COMMITTEE

Ms THOMPSON (Reynell): I bring up the 42nd report of the committee, entitled Emergency Services Levy 2002-03 Final Report.

Report received and ordered to be published.

QUESTION TIME

HOSPITALS, MODBURY

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Is the Minister for Health aware that, despite her assurances to the contrary, Modbury Hospital has fewer permanent anaesthetists now than it did before Christmas, there are locum anaesthetists for emergency work only, surgery on cancer patients is being delayed weeks because of the lack of anaesthetists, and the hospital is at risk of losing its surgery training accreditation; and what action is the minister taking? In mid December I raised questions about the lack of anaesthetists for this year at Modbury Hospital. The minister said that I was wrong and that anaesthetists would be recruited. In December there were 3.5 permanent anaesthetists at Modbury Hospital; now there are only 2.5 working at Modbury. The Royal Adelaide Hospital now only provides locum anaesthetists—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Deputy Premier will come to order.

The Hon. DEAN BROWN: We had not placed—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! I warn the Deputy Premier.

The Hon. DEAN BROWN: The Royal Adelaide Hospital now provides locum anaesthetists only for emergency surgery, at $1 000 per person per day plus on-call allowances, whereas it provided all required anaesthetists last year—to answer the Deputy Premier. No anaesthetists have been recruited this year. I have been told that, as a result, cancer surgery is being delayed by up to two to three weeks, next Friday there will be no anaesthetic services available for elective surgery, and training surgeons are not getting enough surgery and as a result the hospital is in danger of having its surgery training accreditation withdrawn.

The Hon. L. STEVENS (Minister for Health): It is pleasing to see the deputy leader back in the house today. I will start by saying that I well remember the mischief created by the deputy leader before Christmas in relation to Modbury Hospital and the scaremongering he did in relation to a supposed closure of services later this year. As health minister, I have learnt not to take on face value the deputy leader's statements and allegations. So, I would be very pleased to take on board what he has said today and bring back a report to the house. It might be a very good thing for everyone to remember that this is the man who was in charge of the health system for the last eight years; this is the man who delivered the cuts to our hospitals; this is the man who has put this government in a position where it is faced with the very significant task of rebuilding South Australia's health service. I remind the house that that is our intention: no matter how large the task, Labor will rebuild health services in South Australia.

Members interjecting:

The SPEAKER: Order! I point out to all honourable members and not just the minister that it is inappropriate to refer to the fact that some members might not be present for some of the time during any sitting day as there is a variety of reasons why that might occur, and that each of us should respect all our colleagues in the certain belief that they would not be absent from the chamber other than for very good reason.

Honourable members: Hear, hear!

The SPEAKER: And I do not need a chorus to support me. The honourable member for Reynell.

SCHOOLS, CAPITAL WORKS

Ms THOMPSON (Reynell): My question is directed to the Minister for Education and Children's Services. Are the claims made by the opposition that the Labor government was responsible for an underspend in the capital works budget for schools during 2001-02 justified?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I am pleased to respond to the question, because it gives me an opportunity to respond to the public accusations made by the member for Bragg, representing the opposition on education. Last week, the member for Bragg put out a press release which contained the following statement:

> We now know that the Labor government underspent the capital works budget for 2001-02 by $32 million.

Ms Chapman interjecting:

The Hon. P.L. WHITE: The member interjects, and I pick up on her interjection. Apart from pointing out the very obvious to the member that her government—the Liberals—was in power for most of that 2001-02 financial year, I want to stress just how unjustified that claim is. The previous government set out a capital works program for the 2001-02 year, but it rapidly became obvious that that government would fail on delivery of that program. By the time—

Ms Chapman interjecting:

The Hon. P.L. WHITE: The member keeps interjecting, and I ask her to refrain for a little while. Having made the blunder of making such a statement, she now needs to listen to why that was such a blunder. By the time the Labor government took office in March 2002—eight months into the 2001-02 year—the previous government had spent less than $1 million out of a budgeted $19.5 million that was supposed to have been spent on schools and preschools in South Australia. Let me repeat that figure: less than $1 million out of a $19.5 million program on new school works for schools and preschools in this state. In fact, for two of those projects that were due to commence in November 2001 the land required for the purpose had not even been acquired.

In just four months—one-third of the time that the Liberals had in government during that year—the Labor government spent three times the amount of money that the Liberal government did. The Liberal government had spent only $835 000 in the eight months that it was in government. That is all it spent: $835 000. If the honourable member

listens to that fact, she would realise that it is less than $1 million out of a $19.5 million package. On top of that, the new government was faced with the backlog created by $124 million of underspending over the 8½-year term of the previous government.

Perhaps before the Liberal member for Bragg puts out another press release talking about underspending in the 2001-02 financial year, she will remember that it is pretty obvious to everyone in this state who was in government for most of that year—that is, the Liberals—and that the result was less than $1 million of spending out of a $19.5 million program.

HOSPITALS, MODBURY

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I appreciate your protection earlier, Mr Speaker, about absence from the house, as I was at a funeral. My question is directed to the Minister for Health. Why did the minister claim that outpatient services at Modbury would operate as normal during the three-week period from 14 April when outpatient services are being scaled back dramatically? On 20 January this year I revealed publicly that, with the exception of emergency services, outpatient services at Modbury Hospital were being substantially reduced over a three-week period. Initially, the minister said I was scaremongering, and then, two days later, she admitted that Healthscope was proposing a substantial reduction in outpatient services.

On 22 January the minister said that the proposed reduced outpatient services 'will not happen'. Staff have now informed me that 180 outpatients have had their appointments rescheduled. With the exception of emergency services and a couple of orthopaedic, chemotherapy and podiatry sessions, outpatient services are cancelled. Clerical staff have been told to take leave and visiting specialists have been told not to go to Modbury from 14 April to 2 May for outpatient services. One specialist said to me just this week, 'Outpatient services are being effectively closed down, but we've been told not to use the "C" word.'

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The SPEAKER: And that applies to the member for Unley. I point out to the house that there is an hour of question time. It will be conducted in an orderly manner. The number of questions the opposition members get to ask will depend on the manner in which they conduct themselves. I do not propose to allow the house to proceed while members are behaving in a disorderly fashion. The Minister for Health.

The Hon. L. STEVENS (Minister for Health): I am pleased to answer the question. I remember very clearly the advice that I received from the chairman of the board of the Modbury Public Hospital in relation to the issues that the Deputy Leader raised in January, and the clear advice given to me by the chairman and the chief executive of the board, Mr David Southern, was that the downturn, the slow-down, of services in relation to outpatients around the Easter/May holiday period was only the normal seasonal fluctuation that occurs in every hospital.

People need to understand that hospitals are funded for certain amounts of activity over a year, and that activity rises and falls in terms of demand. It is normal practice that over holiday periods—Christmas, Easter and school holidays—there can be rearrangements of those services. As I said in answer to the first question, I am very happy to take on board the allegations made today by the deputy leader, and I will certainly get back and give some more information to the house.

CAULERPA TAXIFOLIA

Ms CICCARELLO (Norwood): My question is directed to the Premier. What action is the South Australian government taking to eradicate the destructive weed *caulerpa taxifolia* from West Lakes?

The Hon. M.D. RANN (Premier): I would like to thank the member for Norwood for this question. The state government will adopt an environmentally sound option to eradicate the invasive weed *caulerpa taxifolia* from West Lakes. The marine environment of the lakes system will be turned to fresh water during winter and spring, pumped in from the River Torrens. We intend to turn salt water into fresh water.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Expert advice says that the freshwater option is not only considered to be the most effective method of clearing the weed from West Lakes but that it will also leave the smallest environmental and social footprint. The freshwater option is supported by the government and by independent scientists, specialists and the engineers who initially developed West Lakes, who, of course, have a good working knowledge of the lake system.

I should point out to the house that fresh water has been selected over copper sulphate, which is also capable of killing the weed—at least in two doses—because the experts are not confident that using the copper sulphate approach will provide a better outcome. While very effective, the use of copper sulphate could have long-term environmental impacts downstream through the Port River.

I know that that is the last thing that any of us wants to see. We must take action because of the threat that *caulerpa taxifolia* poses to our marine environment, to our waterways, to the gulf and beyond, and, most particularly, there is the massive collateral effect that it could have in terms of damage not only to seagrasses, which it would smother, but also to the fish grounds and to a half a billion dollar a year marine fishing industry. So, we believe that fresh water, killing it with kindness, could in fact be effective after two weeks.

Caulerpa taxifolia is an invasive marine seaweed that has been found in West Lakes or in the Port River near the Jervois Bridge and in the near vicinity. If not contained, the seaweed does present a serious threat to the environment and associated marine industries in the nearby Gulf St Vincent and as far away as the Coorong or Spencer Gulf.

Under the eradication plan, West Lakes will be turned from a marine environment to a freshwater lake over winter and spring, before reverting to salt water once the *caulerpa* has been destroyed. Water will be piped 900 metres to link the Torrens River to existing drains flowing into West Lakes. As fresh water is pumped in salt water will be pumped out by barges, which will also be used to circulate the fresh water through the lake system; and, of course, people would be aware that fresh water floats above seawater. Anyone who has been to Galilee would know that that is the case.

The eradication program will cost about $3 million, including the installation of pipes to capture water from the River Torrens, a temporary pump station, barges and other resources, and a further $1 million has been allocated to

continue the eradication of the weed in the Port River. The freshwater option also has the advantage of leaving infrastructure in place after the eradication program, which could be used again at any time in the future should it prove necessary.

The very nature of West Lakes means that it is susceptible to infestation by marine pests and, like *caulerpa*, marine species cannot tolerate fresh water, so in future the lake system could be refreshed again, if required. I know that people would be aware of my concern about the infestation of the European fan worm, or indeed the green shore crab, in the West Lakes ecosystem. The whole operation may take until November to complete, but aquatic activities such as rowing and canoeing (which we saw in abundance today) will be permitted on the lake again—and I know that the member for Reynell, as a well-known rower, will be pleased about that—once the salinity levels drop to below 10 parts per 1 000.

Public meetings will be held to advise West Lakes residents of the details of the project and expected time frames. I would urge all members to note that this has never been tried before in the world. We are aware of the San Diego option, which is to chlorinate under covers, under plastic. Of course, that is unacceptable in terms of the impact on the marine environment. We know what has happened in Monaco. We believe that we are taking the best scientific advice to destroy this weed infestation, this mutant seaweed, but at the same time we are taking the best and safest environmental option, and also of course in terms of the impact on local residents.

I know that on radio this morning they have been suggesting to simply drain the whole of West Lakes. We are told that would cause massive cracking throughout the West Lakes area, and that is something that we are not prepared to do in terms of lowering the pressure on the system. If members want to know more about hydrostatic pressure, maybe we will save that for another day.

DOYLE, Mr M.

The Hon. R.G. KERIN (Leader of the Opposition): Does the Minister for Industrial Relations intend to appoint the current secretary of the fire fighters union, Mick Doyle, to a position of either deputy president or as a commissioner of the Industrial Relations Commission; and, if so, does he intend to follow the requirements contained in the Industrial and Employee Relations Act 1994?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): This is the second time the opposition has asked a question about Mick Doyle. They must be very supportive of him. No decision has been made about any new appointments to the commission. Yes, of course, if and when any new appointments are made, we would follow the legislation and we would consult with the appropriate body. Would you expect us to do anything else?

HOSPITALS, QUEEN ELIZABETH

Mr CAICA (Colton): My question is directed to the Minister for Health. What action has been taken by the government to deliver on its commitment to rebuild the Queen Elizabeth Hospital and maintain first-class health services to the western suburbs residents?

The Hon. L. STEVENS (Minister for Health): I am delighted to answer this question from the member for Colton. I am particularly delighted to answer the question because, quite frankly, the former Minister for Human Services left a cloud of uncertainty and hopelessness over the future of this hospital. It was the Liberal government that tried to privatise—

The SPEAKER: Order! All the minister is doing now is debating the question and antagonising other honourable members who are not of the same political persuasion as herself. I would be pleased, if it were possible, for her to simply address the positive contribution which has been made by the government since its election.

The Hon. L. STEVENS: And there certainly is a positive contribution. I need to say very clearly to the house that it was the former government that tried to privatise the Queen Elizabeth Hospital in 1996 and announced seven redevelopment plans over six years. Of course, in 1999 it was the former government, the former minister and his department who developed plans to downgrade surgical, trauma, obstetric and cancer services.

Mr BROKENSHIRE: Mr Speaker, I rise on a point of order. You have just given the minister a ruling and she has simply ignored it.

The SPEAKER: The honourable member may have a point; I was momentarily distracted. The Minister for Health understands the standing orders. It is not orderly for the minister to debate the merits of the action that has been taken. The question simply asked what action has been taken, and I would ask her to get on with that.

The Hon. L. STEVENS: Thank you, sir. This year the government increased the Queen Elizabeth Hospital's recurrent allocation from $153.531 million to $163.449 million. In addition, an extra $41.6 million has been set aside to complete the redevelopment of the hospital, including the intensive care unit, the high dependency unit, operating theatres, clinical support and outpatients. Stage 2 of that redevelopment was another of those plans which was announced by the former minister but which was not funded in the budget.

The government has also waived the clawback of debt that was weighing down the hospital. Last week the government provided an extra $1 million to open 20 extra beds to support the emergency department and to undertake additional elective surgery. This comes on top of $51.8 million over four years to increase hospital bed capacity across the metropolitan public hospitals, and an additional $9.5 million over four years for elective surgery.

The government has developed the South Australian midwifery and nursing recruitment and retention strategy to address the chronic shortage of nurses; and it is expected that an additional 40 nursing recruits will start work at the Queen Elizabeth Hospital by April this year. Dr Chris Baggoley, Director of Emergency Services at the Royal Adelaide Hospital, is assisting emergency services at the Queen Elizabeth Hospital, and arrangements have also been made with the Women's and Children's Hospital to support obstetric services. This government is committed to rebuilding confidence at the Queen Elizabeth Hospital and the services that the hospital will continue to provide to the western community.

INDUSTRIAL RELATIONS COMMISSIONER

The Hon. R.G. KERIN (Leader of the Opposition): Is the Minister for Industrial Relations aware of any financial

arrangement negotiated with the retiring Industrial Relations Commissioner on his resignation from the commission?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Yes, I am.

INSURANCE, PUBLIC LIABILITY

Mr SNELLING (Playford): My question is directed to the Deputy Premier. What approach is being taken with regard to public liability insurance in the light of the ministerial council meeting of Friday 15 November 2002?

The Hon. K.O. FOLEY (Deputy Premier): I say to the house that, in just under two weeks, Treasurers from all states will be meeting with Helen Coonan, Assistant Treasurer for the Commonwealth Government, to progress further reforms to public liability insurance in Australia. I say from the outset, and members would recall, that South Australia was the second state to legislate for major public liability insurance reform, and we have nearly completed a package of further reform to come before this house over the course of the next few weeks.

On 3 February, the government released a discussion paper on the Ipp review on the law of negligence, and all members opposite, I am sure, would be aware of that. The paper was circulated to over 100 organisations and individuals and was posted on the Treasurer's web site, and I am sure that all members access that on a regular basis. The discussion paper contained proposals to implement the recommendations of the Ipp review and sought public comment on the form of that implementation.

The proposal includes consideration of the standard of care required of medical practitioners and other professions, liability for obvious risks, and the principles of liability that should be applied in negligence cases generally. More than 40 written responses were received, and I have also met with a number of key organisations including the Australian Medical Association, the Law Society and the Plaintiff Lawyers Association. Indeed, this week I am receiving two delegations from members opposite who are very active in supporting the horse industry in their electorates. I know the member for Kavel in particular is a passionate advocate for the horse industry in his electorate, and he is to be commended for that. The responses are being considered at present, with a view to legislation being put to cabinet shortly for introduction into the parliament as soon as we can. This government has been serious about tackling difficult issues related to public liability insurance. It is not easy. Reform very rarely is easy, but this government is determined to do what we can and what we should to ensure that we achieve more availability of public liability insurance and, importantly, more affordable public liability insurance.

INDUSTRIAL RELATIONS COMMISSIONER

The Hon. R.G. KERIN (Frome): Will the Minister for Industrial Relations advise the house on what authority a financial arrangement was made with the retiring commissioner, and will he make publicly available the details of that agreement?

The Hon. K.O. FOLEY (Deputy Premier): As Treasurer, I will be able to provide an answer to the Leader of the Opposition and, in doing so, will be happy to share with the house all details of such arrangements in the past.

GRANTS FOR SENIORS PROGRAM

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Social Justice. What arrangements are being made with respect to this year's Grants for Seniors Program?

The Hon. S.W. KEY (Minister for Social Justice): We expect to advertise this year's round of grants for seniors at the end of March. For many groups, the program is the only source of grants for practical items that contribute to the quality of life for older people; for example, the equipment and assistance component of the program provides about $200 000 a year, primarily as one-off grants for the purchase of small items such as TVs, VCRs and even bocce balls. Averaging about $700 each, the grant goes to senior clubs, voluntary agencies and self-help groups, including ethnic and indigenous groups. This is to assist the participation of older people in a range of cultural, sporting, educational and recreational activities. Some of the $50 000 of this part of the program is also being used annually to support the Council for the Ageing in running Celebrate Seniors.

The other program component referred to the development grants. These were available for amounts up to $20 000, mainly to help community agencies undertake innovative projects providing citizenship and community participation for older people. About $200 000 is set aside annually for this component of the program. While Grants for Seniors has worked relatively well over a number of years, I have reviewed its operations and examined the criteria used to allocate funding. I want to be sure that the funds that are directed towards these areas and purposes support the Labor government's social justice agenda.

Some changes to the administration and policy orientation of the program are therefore being made, and it is desirable to bring this to the attention of the house. Firstly, the equipment and assistance component will continue as is, except that it will be known simply as the grant for seniors. This is the name routinely used and understood by community organisations. Grant applications for this component will continue to be assessed by a ministerial advisory council that reflects community diversity. It will include nominees of the Council of Aboriginal Elders, the Multicultural Communities Council and the Ministerial Advisory Board on Ageing.

I have invited Mrs Joan Stone to serve as the chair of the committee. Mrs Stone was a member of the former Grants for Seniors Ministerial Advisory Committee and is a member of the Ministerial Advisory Board on Ageing. I am confident that she will be an excellent chair. I also take this opportunity to express my thanks to the outgoing chair, Mrs Helen Storer, AM, who served diligently in this role for many years. The former development grants will now be available in the form of major or minor positive ageing development grants. Major grants will be funded up to three years and address areas such as employment, promoting positive images of older people in the media and developing aged friendly housing or transport options. As such they will respond to issues that are often raised with me by seniors and their organisations. Minor projects will be funded for one year, with a maximum funding level of $20 000. They will address areas such as improving older people's access to and skills in using information and communication technologies and the promotion of peer education and lifelong learning.

Creation of stronger intergenerational links will be a priority this year. Recommendations for the positive ageing development grants will come to me following departmental

assessment of applications. The process will be assisted by input from an external ageing issues expert. I have invited Mrs Barbara Garrett, formerly deputy chair of the Ministerial Advisory Board on Ageing, to serve as our expert adviser. Mrs Garrett has a vast wealth of knowledge and expertise and experience in human services. The changes I have made will maintain valued features of the current Grants for Seniors program. The changes will also create a better alignment between positive ageing development grants and national and state ageing policy priorities.

Mr Brindal interjecting:

The Hon. S.W. KEY: I encourage all members, particularly the member for Unley, who has just interjected, to draw the new Grants for Seniors and positive ageing development grants to the attention of the community organisations in their electorates.

DRIVER REST AREAS

Mr RAU (Enfield): I direct my question to the Minister for Transport. What is being done to improve resting opportunities for drivers?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Enfield for his question—a very good question indeed. Driver fatigue is an important road safety issue that contributes significantly to the road toll. Resting during long journeys provides safety benefits by changing the activity and focus of the driver. One of the ways of encouraging drivers to rest is to provide rest areas that are attractive and functional. The Department of Transport and Urban Planning has recently developed a draft statewide rest area improvement strategy.

The strategy forms part of the government's road safety package announced in July last year. The strategy covers all the national highways and six important state highways. The aim of the strategy is to help reduce the incidence of crashes due to driver fatigue by ensuring that roadside rest areas are strategically located, well maintained and highly visible, as well as readily and safely accessible. The strategy outlines a range of inclusions for each roadside rest area, including litter bins and improved litter collection, all-weather surface for parking, provision of shelters and picnic tables, and improved signs to meet current state and national best practice standards. Comment on the strategy is presently being sought from a range of stakeholders, including the RAA, the Local Government Association, councils, caravan groups, the Tourism Commission and the heavy vehicle industry. The consultation process is expected to be completed during March and April of 2003.

SCHOOLS, KINGSCOTE

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services confirm that the Kingscote school redevelopment will be progressed irrespective of whether the Kangaroo Island community accepts the Parndana and Penneshaw schools being reduced to year 5, and will the minister confirm whether the redevelopment will be included in the May 2003 budget? The Kingscote Area School, supported by me as shadow minister, has submitted proposals for the redevelopment of the school, which is acknowledged to be in a poor state of repair. The minister has advised by letter dated 20 March that she is awaiting the outcome of the review of the Kangaroo Island schools, saying:

> In the meantime, the school's principal has been working with an architect that was engaged to provide options regarding the school's facilities.

However, no proposals have been put to the public meetings on Kangaroo Island regarding the site upgrades.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I have already given approval for funds to be expended at Kingscote Area School. I am surprised that, if the member for Bragg did have communication with the principal, she was not aware of that fact. I recently wrote to the member for Bragg, from which letter the member has quoted. An architect has been appointed to talk with the school about the expenditure of those funds.

SCHOOLS, MAINTENANCE

Ms CHAPMAN (Bragg): Again, my question is directed to the Minister for Education and Children's Services. Will the minister confirm that schools will not be required to reallocate asset management plan funds which have already been approved and provided to undertake projects already accepted? On 20 February this year, the minister announced a $12 million plan involving an audit of schools to determine urgent maintenance priorities, in particular, outstanding occupational health, safety and welfare requirements. The minister said in her statement:

> There is some $34 million in school bank accounts for maintenance works. Some of that is being held to pay bills for this work, but there are also significant funds that haven't been spent.

I am now aware that schools have been contacted by the department asking them to disclose how much money they have and to list the projects that are relevant to occupational health and safety issues. The schools seek assurance that they will be entitled to use their accrued funds to implement the planned and approved projects and that those funds will not be diverted to pay for other work.

The Hon. P.L. WHITE (Minister for Education and Children's Services): A circular went out to schools at about the time I made the announcement in relation to the additional $2 million for maintenance to be spent on schools.

Ms Chapman interjecting:

The Hon. P.L. WHITE: The member for Bragg interjects on that. I repeat for the benefit of the member for Bragg: an extra $2 million, to a total of $12 million, is being spent this year. That is an additional 20 per cent in dollars being put into schools for maintenance requirements, and that is a significant contribution. A departmental circular went out at about the same time as I made the announcement, and that made clear that commitments made by schools would be honoured. I am surprised, if the member has been speaking to schools, that one of the principals to whom she must have spoken did not show her that circular; that is obvious.

In relation to her complaint about the department's asking schools to disclose all moneys held in their bank accounts, I would have thought that that was a fundamental accountability measure of government. It is a fact that $34 million is being held in school bank accounts. That is made up of predominantly government funds—some of it would be parent funds—allocated to schools that is sitting in school bank accounts. Some of the money is committed to works, but a good proportion of it is not. While it was a policy of the previous government to put money into schools and then to close its eyes and allow the money to store up from year to year, this government says that money allocated for the

benefit of today's children should be spent on today's children.

So, it is quite appropriate that this state government make those funds accountable. They are taxpayer funds, whether they be state government funds or parental contributions. The member for Bragg is implying that it is quite okay for those bank accounts to just build up year after year as they have, now totalling $34 million, when there is a significant backlog of maintenance to be done. It needs to be spent on today's children. Let me be absolutely clear: $12 million has been allocated for maintenance this year. That is $2 million more than in 2002, but we are going to spend it in a more effective way. The changes that have been made this year are about the changed processes of the department to make sure that schools and preschools get better value for their money.

Rather than just allocating the money at a fixed percentage to each school, this government intends to attack the most urgent priorities of schools. That is the reason for the phone calls to schools: every school in the state has been contacted by the department and they are being offered a better service. They are being offered a service that cuts the red tape that they have had to deal with previously, giving them more certainty, so they know that when work is ordered it will be funded. That is a complete change from what happened under the previous government. The previous government built up a backlog of maintenance of about $270 million, which is an extraordinary amount of money, and the processes being put in place with the extra funding put into schools will have an impact.

Schools will see a big improvement in the service by the department. They will have bureaucracy headaches cut down for them in managing their maintenance programs. It is a big task and there is a lot of work to do, but the difference between the former government and this Labor government is that we recognise the problems that have been there for many years in service from the department, and we are doing something about them.

SwimSA

The Hon. D.C. KOTZ (Newland): Will the Minister for Recreation, Sport and Racing assure this house that the $210 000 state government funding paid to the Adelaide City Council on 19 February is the first of three payments of $210 000 over a three-year period to support swimming sports organised by SwimSA at the Adelaide Aquatic Centre? Swimming sports are concerned that the agreement reached in September 2002 between the Adelaide City Council and the state government to provide $210 000 per year over three years may be in jeopardy, as the formal agreement to ratify this arrangement has not yet been signed. The concern is that, without this formal agreement, the first payment would be the last payment.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The description that the honourable member gives is generally correct and may be 100 per cent correct. There were negotiations, as I said to the house previously, in regard to providing some protection for the user groups. That agreement to give greater certainty is over three years, indexed, as I remember it. If any of this is not technically correct, obviously, I will bring that detail back for the member for Newland. I think it is the Office of Recreation and Sport, but certainly on the government side we have provided the contract, as I best recall it, to the council and are waiting for it to sign off on that. I hope that will be done as soon as possible.

If there are any outstanding matters, I would expect the council to raise those with me. But to the best of my knowledge that is where it is at the moment: that there is that contract that has been provided to the council awaiting sign-off. I do not think there will be any problem with that. A three-year arrangement has been put in place, which gives some certainty to the Adelaide City Council. It also, of course, gives some certainty to the user groups. That was our major focus, but, of course, the Adelaide City Council wanted some certainty as well, being unsure of what position it was in, and I think this will be the best outcome for everybody.

The Hon. D.C. KOTZ: My question is again directed to the Minister for Recreation, Sport and Racing. Will the minister advise the house how he explains the transfer of $210 000 to the Adelaide City Council for Swim SA without any written agreement? I am informed that the Adelaide City Council has not received any agreement and that the provision of these funds has occurred based, at this point, on a verbal agreement and that a signed formal agreement does not exist.

The Hon. M.J. WRIGHT: I have already acknowledged in my previous answer that the contract, as I understand it, is with the Adelaide City Council and that is awaiting to be signed. The agreement was forwarded to Adelaide City Council on 13 March. If I heard correctly what the member for Newland said—and I apologise if I am wrong—that blows out of the water what she just said about an agreement not being with the Adelaide City Council. I said in my previous answer that we are awaiting the council to actually sign off on that contract. I would hope and expect that to be done as soon as possible.

I do not know whether the member would rather the government not provide this money, so that we have certainty for the user groups, as was the case when she was in government. I am not sure what the member for Newland wants out of this. I am not sure what the member for Newland is suggesting. But if she is suggesting that we should not provide the money, with no certainty for the user groups, maybe she should come forward and say that. If, on the other hand, she wants certainty for the user groups and the Adelaide City Council, which a new, incoming Labor government has negotiated and which the previous government failed to negotiate, that is a different story. She cannot have it both ways. Perhaps in her next question she could explain in that question which of those options she prefers.

MAGIC MOUNTAIN

Dr McFETRIDGE (Morphett): My question is directed to the Minister for Urban Development and Planning. Should the proposed redevelopment of Magic Mountain not proceed, will the minister assure the house that the Glenelg Surf Life Saving Club will have a new club facility constructed? Many of my constituents are strongly opposed to the published stage 2B of the Holdfast Shores redevelopment. It is feared that if the stage 2B redevelopment does not go ahead the Glenelg Surf Life Saving Club will be left with an outdated facility, with numerous occupational health and safety problems.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank the honourable member for his question. He directs his question at the Holdfast Shores development, and it is surprising that he does

return to this question. The new government was placed in a situation where, in relation to Glenelg, a lot of residents around this state, and I think local residents, looked at it as the Glenelg they once knew, as a sleepy seaside resort, but they are now seeing—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That is right, with a heritage hurdy-gurdy and, indeed, some sideshows. I think there is broad support for the notion that it has, to a large degree, turned into a concrete jungle, courtesy of those opposite. I do find it a little bit strange to be asked about the details of what is essentially a massive mess that has been left for this government, once again, to grapple with. We have a project in this area in relation to which many people in the local community are seeking this government to stand up and say something on behalf of the ordinary residents of Glenelg and the people of this state.

It is, of course, a part of the state which is attractive not merely to the people of Glenelg. Indeed, it is used by a whole range of people around the state. This government, when what was being foisted upon it was an arrangement to build just ever more apartment blocks around an area which was turning, as I say, into a concrete jungle, stood up for the local community and has now put a very clear stake in the ground about what it wants to see in this area of the state.

We have said very clearly, responding to community consultation which we undertook, that we will not see any massive high-rise buildings in this area. We will protect a massive amount of open space and turn it over to the community. We will resist an explosion of holiday apartments in the area and we will make this area an attractive place for families to enjoy what should be public space. To many people in this community, much of this area has looked as though it has been privatised, that is, it has been taken off the people of South Australia and placed into the hands of private interests. It is crucial that we reclaim this area of the city. We think we have found a proper way of doing that in consultation with developers and the council. We think that we have found a scheme that will work and deliver all the objectives.

As for the surf life saving club, its interests will be well looked after. The honourable member should have a quick look at what we have proposed for the surf life saving club. I do not think that anyone in the surf life saving club will be unhappy with what we have proposed. Its interests will be well served; the member well knows it—and it is a scurrilous question.

ARTS, REGIONAL

Ms BREUER (Giles): My question is directed to the Minister Assisting the Premier in the Arts. What opportunities are there for residents outside of Adelaide to enjoy arts festivals in regional South Australia?

Members interjecting:

The SPEAKER: Order! Neither the Premier nor the member for Unley need to join the troupe of performers to go into regional South Australia. Let us leave it to the Minister Assisting the Premier in the Arts to answer.

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): Thank you very much, Mr Speaker, and I thank the honourable member for asking that important question. As members would know, over the last month or so Adelaide has enjoyed a number of very important festivals. There was the International Film Festival, which was the first of its type and which was a great success—and the Premier is mighty proud of how it unfurled. The International Film Festival was then followed by Womadelaide, which was also a great and stunning success. That was then followed by Come Out, which has also been a great success. I commend the organisers of all those arts festivals—

An honourable member interjecting:

The Hon. J.D. HILL: The Clipsal 500, I am not sure that that would be counted as an arts festival, but middle arts—INXS and so on. All were great successes, but predominantly they focused on the City of Adelaide, although I do acknowledge that Come Out has some regional operations. However, the government is keen to ensure that the citizens of this state, other than those living in Adelaide, can also participate in arts festivals. For that purpose, we have been able to allocate and announce that each year $100 000 will be provided to support regional South Australia in its festivals. What we want to do is build on existing festivals.

Recently, I was very pleased to attend an art exhibition opening at Jamestown in the lead-up to the Bundaleer Festival and meet with the local community associated with the establishment of the Bundaleer Festival, have dinner with them and talk about their plans for that festival. They were delighted to hear that an additional $100 000 was to be made available for regional arts festivals. I take this opportunity to congratulate the Bundaleer Festival organisers, in particular the director, John Voumard, for the great job that his team has done.

In relation to the $100 000 being made available, advertising will occur towards the beginning of April, with applications due on 16 May. The fund will be administered by Arts SA and Country Arts SA, with assistance from the South Australian Tourism Commission. This is good news for regional South Australia and I commend it to the house.

POLICE, STATE SECURITY BRANCH

Mr BROKENSHIRE (Mawson): My question is directed to the Treasurer. When did the government provide police with the additional $300 000 required to fund the new state security protection branch? Yesterday in this house the Minister for Police said:

> We made a firm commitment to a unit to protect the state's security and we funded it.

I am still waiting on the answer from the Treasurer.

Members interjecting:

The SPEAKER: Order! The Deputy Premier.

The Hon. K.O. FOLEY (Deputy Premier): I am happy to get an answer for the member and to reply as soon as I can.

YUMBARRA CONSERVATION PARK

Mr HANNA (Mitchell): My question is directed to the Minister for Environment and Conservation. Why has the minister changed his view in relation to the protection of Yumbarra Conservation Park, given that in 1999 he stated that 'Labor is totally opposed to any unilateral exploration or mining of the Yumbarra Conservation Park.' At the same time he said, 'The Liberal government could do more long-term damage to our environment than with any of its many ill-conceived actions' in relation to the Liberals' move to allow mining in the park.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the honourable member for the question: it is a similar question to the one that he and the

member for Heysen asked yesterday. All I can really do is repeat what I said yesterday. The Labor opposition fought very hard to stop the former Liberal government deproclaiming Yumbarra Park and turning it into a site which could be mined. It was a singly proclaimed site and we did the best we could, but, unfortunately, after a long struggle over a period of years, the former Liberal government succeeded in overturning what had been a longstanding singly proclaimed park.

The Labor opposition then had to determine what its position was once that park had been mined, and we had to do that bearing in mind the reality of those circumstances. The policy position which we set down prior to the election (and which I enunciated yesterday to the house) was that we would reproclaim the park should two things occur. Those two things were that the existing exploration prove fruitless and that the lease expired. Only one of those conditions has been met; that is, that the lease has expired but the exploration has not proved fruitless. On the basis of that policy position, we have no choice but to allow another application to be considered.

MARALINGA

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: A short time ago, the federal Minister for Science (Hon. Peter McGauran) tabled the Maralinga Rehabilitation Technical Advisory Committee (MARTAC) report concerning the rehabilitation of former nuclear test sites at Emu and Maralinga in South Australia's outback. The tabling of this report by the federal government is seen by the commonwealth as a step closer to the land being returned to the South Australian government and then being passed on to the traditional owners, the Maralinga Tjarutja people. It is a significant issue for our state.

The report is largely technical in nature—I understand there are 6 500 pages of attached material—and will need to be looked at in depth by state government scientists with a high level of expertise in radioactive contamination. The state now wants to satisfy itself that the clean-up was successful. This report describes the nature of the contamination at the two sites, the rehabilitation measures and the issues around future land and environmental management.

As Premier, I can assure all South Australians, especially the Maralinga Tjarutja people, that I will not accept back the land until I am fully satisfied that the clean-up was successful. We do not want these lands to become a radioactive liability for either the state or for the traditional owners. South Australian land at Emu and Maralinga was subject to British atomic testing between 1953 and 1963. Two atomic bombs were exploded at Emu in 1953 and a further seven at Maralinga in 1956-1957. The so-called 'minor trials' caused most problems with contamination.

These trials included exploding bomb casings around the airstrip, which then spread plutonium and other radioactive material across large areas of our land. The Maralinga Tjarutja people were never consulted about the subsequent contamination of their land. The years following saw the traditional owners of the land being ignored, displaced and forgotten, with terrible social effects. One of the major problems with the testing is that, to this day, we do not know what levels or amounts of radioactive material were exploded and then buried because, apparently, the British government has lost the records.

The British made three attempts at cleaning up the land. They were all unsuccessful, with the last so-called clean-up back in 1979 being little more than a public relations exercise, with a VC10 flying in at the airstrip with servicemen suited and booted with protective clothing removing radioactive waste and then flying out canisters of it. Many other South Australians and I saw this as a patronising exercise designed to appease the colonials. This attitude presented again in 1992 when I went to England as Minister for Aboriginal Affairs to seek British government funding for the clean-up of the lands along with appropriate compensation for the Maralinga people.

This trip also helped raise awareness in Britain, particularly amongst the media and members of the House of Commons and the House of Lords, about the contaminated sites and their impact on traditional owners. In 1984 a royal commission into nuclear tests was convened. Recommendation three of the 1985 report called for sites to be 'cleaned up so that they are fit for unrestricted human habitation by the Aboriginal traditional owners'. This has not been achieved. There will still be a restricted area of approximately 120 square kilometres.

The rehabilitation project involved two stages: the first was scraping off contaminated soil and burying it in a pit, which was then topped with clean soil. The second involved the in situ vitrification process, which has been the subject of considerable dispute. This involved melting the contents of the pits by passing a large current through them for 10 days. This was designed to melt the surface layer of earth, which was then to remain undisturbed for one year to solidify as a glass-like rock. This process resulted in a number of explosions and was then abandoned. Members would be aware that there has been controversy about in situ vitrification, either using glass or the synroc method, for some 20 to 25 years now. Although in his tabling speech the federal minister used such terms as 'world's best practice' and the project's being 'something we can be proud of', there is still much public concern about the success of the rehabilitation process.

Dale Timmons, an American geophysicist who was involved in the rehabilitation process, and Allen Parkinson, a member of MARTAC (who was one of the few nuclear engineers in Australia and who was an adviser to Maralinga Tjarutja), have expressed concerns about the project and the effectiveness of the clean-up. Both Parkinson and Timmons have publicly stated that further rehabilitation is needed for the shallow burial sites. This has been estimated to cost tens of millions of dollars. The federal government cannot simply wash its hands of the Maralinga and Emu sites and expect the state to accept the land back without considerable guarantees for future monitoring, regulation and further rehabilitation.

This state must have full indemnity against newly discovered contaminated pits or from any changes to radiation standards. Unless we are indemnified by the federal government for any future liability, we will not be accepting the land back from the commonwealth. Plutonium has a life of 250 000 years. Radiation standards change and what might be considered safe in 2003 may not be considered safe in 2005 or 2010, let alone 10 000, 20 000 or 100 000 years from now. Already radioactive dosages which are considered safe for the public to be exposed to are being reviewed. What is

considered safe now is 1.0 milli sievert, yet the European Committee on Radiation Risk: The Health of Ionising Radiation Exposure at Low Doses for Radiation Protection Purposes states:

> The total maximum permissible dose to members of the public arising from all human practices should not be more than 0.1 milli sievert.

The federal minister says that he hopes that the site will be handed back during this year. I can assure the minister that there still remains a long way to go before South Australia will be happy to accept the land back. Of utmost importance is that the Maralinga people are satisfied that the land is safe for the land to be handed back to them. What worries me now is that the same federal government that is now trying to convince South Australians—with a $300 000 publicity campaign—that our South Australian outback should be the site of a national nuclear waste dump is now trying to assure us of the effectiveness of its clean-up of the Maralinga lands.

Mr Speaker, I think that we as a state have had our fair share of contaminated lands and that, while we want the Maralinga lands clean and safe, the last thing we need is to be the dumping ground for the nation's nuclear waste. Here they go again. We want to be able to assure the Maralinga people that the lands are safe before being handed back. We will not accept a quarter of a million years of liability. We will not be duped again by a commonwealth government.

GRIEVANCE DEBATE

MEDIA GAG

The Hon. G.M. GUNN (Stuart): I want to raise the matter of the gag the Minister for Transport has placed on employees of the Department of Transport from having any contact with the media, and that includes contractors and others. That fact was brought to my attention by way of a document written by a Mr Rick Hennig and sent to me by a most helpful person. The document states:

> Can you please send this on to Field Ops, Maintenance, TIMS, Customer Services and TPS please. Customer Services will drop off our circulation list later this month and Public Affairs joins in.

It further states (and I had better not say the name of the officer):

> . . . has requested that the following information be forwarded to your staff regarding media contact. Regards, . . . Executive Assistance.

This next document is headed to all staff, and states:

> I would like to remind all Transport SA employees, consultants and contractors that they must not offer any comment to the news media without seeking prior approval. Staff contacted by the media should inform Public Affairs immediately. Staff who have previously had permission to comment to the media on particular issues should now seek approval before responding to media inquiries. Public Affairs personnel are available 24 hours to assist.

The document then gives the telephone number. I am not surprised at this particular edict, because this government has so slashed the number of employees and interfered with the construction and maintenance of the roads in the Far North that it certainly would not want to let the public of South Australia know what it is up to. This government talks about openness and accountability, yet it puts on such a gag. This means that if I happen to see an employee (and I know some of these people, as do other members of parliament), obviously, they are now restricted from talking to me. I thought that we lived in an open democracy. This sort of control is not in accordance with what people in a free and open society believe we should put up with, but it is rather interesting.

We have the Department of Transport putting a gag on its employees but then we have Tom the Tactician writing articles for Hagen Stehr. Now we have a contradiction. Hagen can get into enough trouble by himself without Tom the Tactician helping him. Was it not a classic? We have Hagen writing under the pen name of the Kaiser, and he has written a number of articles. Occasionally, he has got himself into trouble. Then, of course, they always go for the king hit. They are a bit like the cat that swallowed the cream—they are never satisfied. They just want to extract that little extra out of the issue. Someone in Hagen's office—if they did not do it deliberately, they may have wanted to be a bit naughty—dropped Tom's letter in and let Rex Jory have it. I do not know what sort of contact Tom has had from the Premier's office since then.

However, when the Premier opened his morning paper and read that article, I do not think that he would have been particularly pleased. I can remember in the past getting these 6.30 telephone calls from the Premier of the day. I reckon he might have got one. A few of us have had them. It depends on whether we take any notice. I never took much notice of them, and I did not make a lot of fuss. I have been told I am fairly difficult to manage, and I did not think that was correct. I have spent most of my time on the backbench, but I am not particularly worried about that. We have all had these 6.30 a.m. telephone calls.

Nevertheless, it was an interesting contradiction. Here we have one section of government saying, 'You mustn't talk to the media,' yet we have a senior backbencher writing articles to try to can the opposition. Do we want to know what the government believes in—whether it believes in openness, accountability or giving people accurate information—or do we want to engage in this political point scoring exercise of trying to control the media using a spin doctor. That is how it appears to me. I am most grateful to that person who dropped on my fax that document from the Department of Transport. I look forward to following up this matter, as well as other issues involving the Department of Transport, because it obviously wants to stop the tourism industry in the north of South Australia.

OPERATION IRAQI FREEDOM

Mr KOUTSANTONIS (West Torrens): I will not reply to the attacks from members opposite, because I am above the fray of their grubby, gutter tactics. I wish to talk about Australia's involvement in Operation Iraqi Freedom. Members may be aware of the television coverage, through cable networks and the free-to-air television channels, that three coalition partners on the ground in Iraq have troops committed—

An honourable member: Poland, too.

Mr KOUTSANTONIS: Yes, Poland has committed troops as well, but the troops seeing active operation are the forces of the United Kingdom, Australia and, of course, the United States. The United States and the United Kingdom have a policy of allowing journalists to be embedded with their troops, that is, allowing journalists to be on board aircraft carriers, frigates and destroyers, and to travel with Marines and Royal Marines throughout Iraq and Kuwait. Australia has committed only 2 000 specialised SAS troops, and no-one could reasonably expect journalists to be accom-

modated with them on their travels through Iraq, as it would be endangering the journalists' lives and, indeed, the lives of the SAS officers. I therefore do not expect the Royal Australian Army to allow journalists to be taken with the SAS.

However, the media have been denied all access to FA/18 fighter squadrons, the *Kanimbla* and other Australian frigates. Unlike the United States and Great Britain, Australia has removed the media from the military campaign. Whether or not you agree with war, we have been told by the Prime Minister that we are there defending democratic values. We have gone to liberate Iraq. The exercise is called Operation Iraqi Freedom. We have gone there because we have taken a high moral ground as a democracy. What makes us a free and fair country is our free media, although it is not always free and fair or unbiased. I can name a few journalists in the *Advertiser* who are not exactly unbiased, and they know who they are. However, overall they are very good.

The Australian government—and, indeed, the Prime Minister—owes it to the Australian public to allow media outlets to have access to our troops that will not put them in harm's way. If it is good enough for the United States to have people on board the USS *Kittyhawk, Constellation, Abraham Lincoln* and other aircraft carriers that are there and to have them in forward positions with the 101st Airborne and the Royal Marines, it is good enough for the Australian Army to allow a journalist aboard the *Kanimbla* and to get regular briefings. The Australian Army has given fewer operational briefings than anyone else since the operation started. The Australian media is being starved of information regarding what our troops are doing.

I said earlier that I do not expect our SAS officers to report hourly to us on where they are and what they are doing. Obviously, they are involved in a small and important operation and it should be kept secret. Whether or not we have our ships engaged for the first time since the Vietnam war, the Australian public has a right to have journalists on board that ship to see how our troops perform and what is going on with those battles. The United States is allowing its journalists and its institutions on board to see how its troops are performing.

If we are serious about bringing democracy to Iraq and about this so-called Operation Iraqi Freedom, we should not be afraid to allow the Australian journalists better access to our troops in the gulf. I am not asking that our troops be subjected to unfair scrutiny. Of course, operational matters should be and are being kept secret: I do not dispute that. If members had heard my earlier remarks, they would have heard me say that I do not believe that the SAS troops should have embedded journalists with them and that their movements should be kept very secret. I am talking about our frigates, air supply and air dispatchments to the gulf.

The media have a lot to answer for given the way they have covered the situation. In particular, some of the American cable networks have taken a biased view of the war and are engaging in propaganda. Recently, on *Sky News* I heard them say that they were showing for the first time B52 bombers being reloaded and that the United States military was reloading these B52 bombers out in the open in public for use in the propaganda war; and, of course, *Sky News* was broadcasting this. I agree with some news networks not showing prisoners of war.

Time expired.

DOYLE, Mr M.

Dr McFETRIDGE (Morphett): I was surprised to hear the name Mick Doyle raised in this house this afternoon; indeed, he is the chap I want to speak about. On 17 February—and I am glad the member for Colton is here—I stood in this house to speak on the defection from the Labor Party of the member for Mitchell. It was my information at that time that the member for Mitchell had been badgered to stay in the Labor Party by some members opposite and some members of the union movement. I mentioned two members of the union movement: Mr Ron Hanna—who is not Kris Hanna's brother, as I found out (and I apologise to Mr Hanna if I have offended him in any way)—

An honourable member interjecting:

Dr McFETRIDGE: I apologise to both Mr Hannas. Mr Ron Hanna is a station officer in the Metropolitan Fire Service and is not related in any way to Mr Kris Hanna. I also apologise to Mr Mick Doyle for saying that he was in on the job of trying to persuade Kris Hanna to stay with the Labor Party. The reason I am standing here now is that Mick Doyle had a letter typed and sent to me. It is not signed by Mick Doyle. I am not sure whom it is signed by; I cannot read the signature, but it is certainly for Mick Doyle. Whether Tom wrote it, I do not know. However, Mick Doyle certainly has his name at the bottom, and he is asking for an apology from me. I am happy to admit that I am wrong when I am wrong. This place has been nicknamed coward's castle, and I do not want to hide in here behind any levels of privilege.

Mick Doyle holds positions of responsibility in both the union movement and the Labor Party. I would like to think that he is held in high regard by members of the Labor Party and the union movement. Mick Doyle's name has been a familiar name in my family. My father was in the Metropolitan Fire Service for many years. I believe that my dad was involved in the establishment of the union in its early days. He was always a man who provided an opportunity for fair play and stood up for the little guys in the same way as I understand that Mick Doyle has. Mick Doyle was often an opponent of my father across the negotiating table, and my father always spoke highly of him.

I am quite keen to apologise to Mick Doyle, because not only have I offended him by talking about him by mistake in this house but also I am worried that Mick Doyle was not included in the negotiations. I should have thought the Premier would have the faith in somebody with Mr Doyle's reputation to involve him in the negotiations. It is a sad thing that somebody with Mr Doyle's reputation and expertise was not involved. Perhaps Mr Kris Hanna would still be a member of the Labor Party had Mr Doyle been involved.

The SPEAKER: Order! The member for Morphett is never referred to by either his Christian or his family name, and he should know that he must not refer to other members by their Christian or family name.

Dr McFETRIDGE: I thank you, Mr Speaker; I was just hoping to avoid any further confusion with Mr Ron Hanna. The member for Mitchell would possibly be a member of the Labor Party had Mr Mick Doyle been involved in the negotiations. The future for Mick Doyle certainly looks rosy now. I had pictured his retirement in the upper house of this place, but I suppose Ian Hunter and Janet Giles will have to fight over that place now, and it looks as if Mr Doyle will be going off to other areas of his expertise. I wish him well in the Industrial Relations Commission, because I know he will be a tough operator. I hope he continues to be the fair

operator that he has been in the past. The placement of honest, decent, open, forthright people in all areas of government, institutions and commissions is something we all aspire to and, if Mick Doyle can be as honest and upright as he has been in the past, I wish him well.

The SPEAKER: Order! If the honourable member is seeking to debate the merits or otherwise of the appointment of a judge, that is entirely inappropriate, other than by substantive motion, and he had better desist if that is his purpose. His time has expired now, anyway.

ABORIGINAL CRICKETERS

Ms BEDFORD (Florey): This weekend's victory of the Australian team in the World Cup one-day cricket tournament reminded me that a special cricket match was played at the Adelaide Oval last Friday, 21 March. The Australian Test opener, Justin Langer, led the Prime Minister's XI in an historic day/night match against ATSIC Chair's XI—the first time a Prime Minister's match has been played at Adelaide Oval, and I believe the first time it has been played under lights. Indigenous batsman Matthew Bradley led the ATSIC XI for the third consecutive time, which was a great honour. Matches were one apiece at the beginning of play, as the teams vied for the third annual Johnny Mullagh Trophy, named after a member of the first Australian touring team, a team of indigenous players from the western districts of Victoria who visited the UK in 1868.

It made me begin to wonder who Johnny Mullagh was. He was the star of that remarkable team, and I would like to quote from Ashley Mallett's book *Black Lords of Summer*, as follows:

> He was a batsman in the classic mould—a good driver, straight bat hitting 1 698 runs on the tour and taking 245 wickets at 10 runs apiece.

At the time of their arrival, the English press observed:

> Nothing of interest comes from Australia except gold nuggets and black cricketers.

The first official Australian team did not tour England until a decade later, and the Ashes series began 14 years after that. The first indigenous game was played at The Oval against Surrey on 25-26 May and attracted some 20 000 spectators. An interested spectator recalled that they played barefooted and 'ran like deer. Their running between the wickets could be heard as well as seen. They tore up and down the pitch screaming and shouting in native backchat.'

The 1868 team was assembled by two Englishmen, William Caffyn and Charles Lawrence. They had smuggled the team aboard the *Parramatta*, because the team had been refused permission to travel to England by the Central Board for the Protection of Aborigines. During a gruelling five month stay in England, the team played a total of 47 games, winning 14, losing 14 and drawing 19. On their departure, *Sporting Life* wrote:

> No eleven has in any one season ever played so many matches so successfully—never playing less than two matches in each week, and frequently three, bearing an amount of fatigue that now seems incredible.

Although only 11 fit players took part in the tour, they still played an amazing 47 fixtures. By the end of the tour, Mullagh and this team-mates Cuzens and Lawrence had dominated the game. Between them they had bowled 4 234 overs of the team's 4 934 four ball overs. Their tally of wickets was 609, while the other bowlers bagged only 105 altogether. The trio was also the backbone of the team's batting performance.

Tragedy struck on the tour only weeks after their arriving in England, however, when the player known as King Cole contracted tuberculosis and died. He was born Charles Rose, and was a blood relative of the champion boxer, Lionel Rose. Illness also forced Sundown and Jim Crow to be sent home. The players dispersed on their return home from England. Many died young and in relative obscurity. Cuzens and Mullagh were the only members who went on to notable cricketing fame. Sam Anderson was another notable on the team. Born in Queensland in 1880, he holds the unique distinction of scoring over 100 centuries in district cricket. Also an excellent bowler and wicket keeper, Anderson was known as the Prince of Darkness. He is renowned for dismissing Bradman for a duck on 28 September 1928. That game attracted thousands to Lismore to watch Sam, the local hero, and Bradman, who was the national hero. Both were dismissed without making a run that day. Sam died in 1959 at the age of 79.

Another on the team was Eddy Gilbert, a great Aboriginal cricketer, who was denied what could have been national selection as a result of a chucking allegation and racism. He also once bowled Donald Bradman out for a duck. Bradman later said of him:

> He sent down in that period the fastest bowling I can remember and one delivery even knocked the bat out of my hand. I unhesitatingly class this short burst faster than anything seen from Larwood or anyone else.

In the *Advertiser* of 20 March 2003, the day before the Prime Minister's match, Bronwyn Hurrell made mention of Faith Thomas, an Aboriginal woman who had been a cricket player. She was a special guest at the match. From Nepabunna Mission, she was an outstanding fast bowler of her time and was chosen for South Australia against England and New Zealand. In fact, however, she was denied the opportunity to bowl when selected at Test level, being relegated to carrying the drinks. Ms Thomas was the first Aboriginal woman to be selected for any national side when she was chosen for the two Tests against England in 1958.

That reminds me that we need to mention the current Vice Captain, Karen Rolton, who with the Australian cricket team in New Zealand scored prolifically and shone in the recent Test series.

Time expired.

SCHOOLS, KANGAROO ISLAND

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to talk about the ministerial review of schools on Kangaroo Island, and I am delighted that the minister is in the house to hear this. The minister set up this review last year. The minister set down the terms of reference for the review and appointed the review panel, and she appointed the member for Reynell as the chair of that review panel. I want to raise here a couple of issues about the review panel. First, clearly, the member for Reynell, who comes from a metropolitan seat of Adelaide, chaired a review of education services on Kangaroo Island—out in the country—and apparently her ignorance shone through enormously at the meetings.

Mrs Geraghty interjecting:

The Hon. DEAN BROWN: I am not reflecting on her competence: I am highlighting the fact that she obviously did not understand Kangaroo Island, and the people of Kangaroo

Island are saying that. First, I object to the fact that that they held three public meetings on Kangaroo Island and did not have the decency even to let the local member know that those public meetings were being held. That is an absolute disgrace. This place has standards, and the standard is that if you visit and arrange a public meeting in another member's electorate you at least notify the local member that you will going to their electorate to hold that public meeting.

Mrs Geraghty interjecting:

The Hon. DEAN BROWN: I was not notified. As Premier I made sure every member was on the checklist and told that I was going to their electorate. I was not even told about these public meetings, and that was a disgrace, let alone that the member was coming to my electorate to hold them. The people of Parndana and Penneshaw have rejected this proposal out of hand. Let me paint the picture of what happened at Parndana, which meeting the member for Bragg attended, because I could not get there as I was not invited and had another commitment that had already been organised.

Over 300 people in a community that would not be much bigger than that attended that meeting. For Parndana, 300 people would be equivalent to about half a million people coming together in Adelaide. Those people at the meeting were absolutely fuming. Why? Because a condition laid down by the chair (the member for Reynell) for the operation of this procedure, apparently under instructions from the minister, was that all discussions had to be held on a confidential basis. Where does that leave consultation with the community? There is absolutely none, and those people were fuming.

I visited the Penneshaw school about two weeks ago, and they told me that the review panel representatives could not talk about what was being proposed. Two weeks later, suddenly the proposal was out there. What was the proposal? To take the Parndana school from an R-12 school down to an R-5 school. That is an insult to the people of Parndana. Here is a school that has received about $200 000 from the federal government for vocational training and, under this proposal, that school's enrolment will be knocked from 190 down to about 90. The Penneshaw school will be reduced from R-9 down to R-5; from 70 students down to 50.

No wonder these people are angry. The whole island is angry about this proposal. They are angry with the way in which it is being chaired; they are angry with the conditions that have been put down that everything had to be secretive up to the release of the option. The committee put out only one option; even though apparently it had developed three options, it put out only one for the people to assess.

The minister frowns. She should ask the chair of the committee that her government appointed, because that was the condition under which they had to operate as a review panel. Most importantly, there was no commitment for the redevelopment of the Kingscote Area School as part of this process, yet that is the basis on which the minister set up this review panel: to look at how the Kingscote Area School should be redeveloped. They received no commitment for the redevelopment; instead, there was a proposal to more than halve the school at Parndana—to slash it and, in particular, to require one student to travel up to four hours a day just to attend school: two hours to get to school, involving four hours' travelling a day. That is what the government says is trying to improve the standards of education. It is a shame.

UNIVERSITY GRADUATE CERTIFICATE

Mr CAICA (Colton): I want to talk, by way of an anecdote, about the introduction of the Graduate Certificate in Teaching Philosophy to be issued by the Flinders University and the University of South Australia. A science academy challenged a fundamentalist religious group to demonstrate the power and existence of God through a simple practical experiment. The task required that God's existence and efficacy be demonstrated by planting seeds in the desert whereby the invoking of rain through prayer would manifestly lead to growth and practically demonstrate His or Her existence. When the rain did not fall and further explanation was requested, the religious group's spokesperson, showing all the ingenuity of those fuelled by the power of revelation, replied that God did not like to be tested.

Unlike the attempt of the fundamentalists, the nature and value of scientific truth require that we do not move the goalposts to create proof. To ignore the scientific method to such an extent to accommodate religious grounds of existence would result in a plethora of exotic theories where the relative merits of all competing theories would be equally and chaotically true.

This serves to ask ourselves the following questions. Why do we accept reason, whether it be social, scientific or ethical? Why do we have a tradition of ideals and inquiry based on reason? It is simply because reason in regard to the various disciplines that constitute our culture and knowledge is the best guide that we have. We are the inheritors of a complex tradition of concepts, competing ideas and theories, and the worth and guarantee of our culture as it changes over time is founded in our commitment to reason.

This is the foundation of the philosophical tradition that locates and determines, for example, our sense of justice and rights in how we see ourselves and others. To live in the world in an ethical way is to work within the framework where past traditions engage with contemporary thought as adjudicated by reason. We are then located within a philosophical tradition, a tradition that cannot simply be ignored or be seen as mistaken. By corollary, we cannot start afresh as if this past tradition did not exist, and thinking so is naive and dangerous as it ignores how central issues have informed who we are. We are grounded in a tradition of thought and reason.

In recognition of these as fundamental to student learning and growth, it is pleasing to acknowledge in this house the introduction of the Graduate Certificate in Teaching Philosophy to graduate and practising teachers in secondary schools to equip them in the teaching of philosophy to year 11 and year 12 students under the SSABSA curriculum outline. I congratulate both the Flinders University Philosophy Department and the University of South Australia Education Department for their initiative and foresight in introducing this certificate. Students as well as graduates and in time the general community will benefit as philosophy moves out of the ivory towers and into the community.

In closing, I would like in one example to locate the importance and relevance of student learning in this subject to the world at present. Take the issue of the Howard government acting in the interests of justice over its decision for the ADF and, by moral implication, the Australian public to be involved in the so-called 'Coalition of the Willing'. What principles of justice are being brought into play here? Is Australia only following in the footsteps of the powerful where justice is defined as the moral prerogative of the

stronger country? Are we acting in self-defence in defence of our security?

Has the Prime Minister clearly and comprehensively argued what are the limits of self-defence against an aggressor as a just action? In fact, have we established whether any threat to Australia from Iraq is real? What are the limits and boundaries of international responsibility regarding national interest? What are the consequences and role for the UN into the future? Questions of this nature are not novel, having been debated from Plato through to contemporary philosophers of today. The question here is: what has Mr Howard and his government learnt from this great tradition as to the notions of justice and morality?

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (DIVISION OF SUPERANNUATION BENEFITS UNDER FAMILY LAW ACT) BILL

The Hon. K.O. FOLEY (Deputy Premier) obtained leave and introduced a bill for an act to amend the Judges' Pension Act 1971, the Parliamentary Superannuation Act 1974, the Police Superannuation Act 1990, the Southern State Superannuation Act 1994, and the Superannuation Act 1988. Read a first time.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Judges' Pensions Act 1971*, the *Parliamentary Superannuation Act 1974*, the *Police Superannuation Act 1990*, the *Southern State Superannuation Act 1994*, and the *Superannuation Act 1988*, to complement the requirements of the *Family Law Legislation Amendment (Superannuation) Act 2001* enacted by the Federal Parliament.

The *Family Law Legislation Amendment (Superannuation) Act 2001* amends the *Family Law Act 1975* (Cth) to provide that a superannuation interest in a scheme is 'property' for the purposes of the *Family Law Act*. This means that as from the date that the *Family Law Legislation Amendment (Superannuation) Act 2001* comes into operation, accrued superannuation benefits will be property that can be split and shared with the former partner to a marriage. Under the current provisions of the *Family Law Act*, a superannuation benefit of a member of a scheme cannot be split and shared with a former partner to a marriage. In terms of the current powers under the *Family Law Act*, the Family Court can and does take into account the value of superannuation as a 'financial resource'.

The *Family Law Legislation Amendment (Superannuation) Act 2001* was brought into operation on 29 December 2002. Whilst the new Part VIIIB of the *Family Law Act 1975* sets out the framework for the superannuation splitting arrangement, its implementation is very complex. This complexity is evidenced by the 240 pages of regulations, already published under the *Family Law Act*, that prescribe the detail of the arrangement.

The new Commonwealth law has the potential to impact on a person who has an interest in any superannuation scheme, be it a private sector or public sector scheme. Accordingly, the new Commonwealth law applies to an interest in a superannuation scheme established under one of the before mentioned State Acts, which establish those public sector schemes under the regulatory control of the State Government. In general terms the provisions apply to all marriages that have broken down, irrespective of whether there has been a divorce between the spouses, provided there is not in force at the date that Part VIIIB of the *Family Law Act* comes into operation, a Section 79 property order or a Section 87 maintenance agreement.

The new Family Law provisions will enable persons entering into a marriage to include in a pre nuptial financial agreement, an agreement that deals with superannuation in circumstances where the marriage subsequently dissolves. The provisions also enable the parties to a marriage that has broken down to enter in an agreement specifying how the member spouse's interest is to be split and shared with the non-member spouse. Where the parties cannot agree the terms of a split of the superannuation interest, the Family Court will issue an Order giving directions on how the member spouse's interest is to be split. Trustees of superannuation schemes are bound by these superannuation agreements or Family Court orders.

Where a superannuation agreement is entered into between the spouses, the agreement can specify a dollar amount or a percentage of the member spouse benefit that is to be provided to the non-member spouse. The proportions of the split are determined by the spouses themselves in constructing a superannuation agreement. The option of not splitting a superannuation interest and using other property as an offset will continue to be available to the parties.

Due to constitutional reasons, the *Family Law Act* can only deal with the matter of how payments or benefits from a superannuation scheme, called 'splittable payments', are to be split at the point when a benefit is paid. The Commonwealth cannot require schemes to create a separate interest for the non-member spouse and reduce the member spouse benefit before the member actually receives a benefit or splittable payment. However, it is generally accepted within the superannuation industry and amongst Family Law practitioners that it is in the parties' best interest for a splitting of the member spouse's interest to occur as soon as practicable after the splitting instrument is served on the trustees. This is called the 'clean break' approach and it is the approach that the State Government has adopted for its superannuation schemes.

Accordingly, the Bill before the Parliament complements the requirements of the *Family Law Act* and amends the State superannuation legislation establishing schemes, implementing the 'clean break' approach under which a separate interest for the non-member spouse is to be created as soon as practicable.

Under the Bill before the Parliament, the rules of the State's superannuation schemes are to be amended to provide for the splitting and creation of a separate interest for the non-member spouse, and a reduced benefit for the member spouse, on service of the splitting instrument on the relevant Board. The reduction in the member spouse accrued benefit, to the extent of the share provided to the non-member spouse, will take effect from the Commonwealth prescribed operative time. The approach being proposed under this legislation before the House therefore, is that even while a benefit is continuing to accrue to the member spouse because he or she is still working, and may be many years away from retirement, the non-member spouse's share of the member spouse's interest will be removed and placed in an account in the non-member spouse's name as soon as possible after the splitting documents are served on the administrator. Irrespective of the scheme to which the member spouse belongs, where the member spouse has not terminated their service, or they have a preserved benefit, the new interest to be created for the non-member spouse will be in the form of a lump sum. Where the accrued benefit or part of the accrued benefit is a defined benefit, the lump sum to be rolled over as an interest for the non-member spouse is to be determined on the basis of a set of actuarially determined factors, applicable to the particular scheme, and approved by the Commonwealth Attorney General. Unless scheme specific factors are approved by the Commonwealth Attorney General, the *Family Law Act* requires that the standard generic factors prescribed under the *Family Law (Superannuation) Regulations 2001* be applied. It is the Government's intention to have scheme specific factors approved for all the defined benefit schemes as the standard Commonwealth prescribed factors are not appropriate for the State Government schemes.

The Bill also provides that the new interest to be created for a non-member spouse may be rolled out to a regulated superannuation scheme nominated by the non-member spouse, or rolled into (or continued to be maintained in) the Triple S Scheme. The Triple S Scheme is the State Government's accumulation style scheme established under the *Southern State Superannuation Act*. Where no specific instructions are provided within 28 days of the relevant Board advising the non-member spouse that his or her interest must be rolled over to some other nominated scheme, the legislation provides that the non-member spouse's interest will be retained in the Triple S Scheme.

Due to the difficulty in determining the accrued benefit of a Member of Parliament where the member has not completed six years of service, the amendments proposed for the *Parliamentary Superannuation Act* provide for the Board to defer creating the separate interest for a non-member spouse until the member spouse attains six years of service or ceases to be a member of the Parliament, whichever first occurs. The difficulty in this area relates to the fact that the member's accrued benefit may either be a lump sum or a pension, depending on whether the member remains a member until completing six years service. A similar provision applies in the amendments being proposed for the *Judges' Pensions Act*, where generally a pension is not available until the judge has served 10 years and attained 60 years of age.

The Bill also sets out the arrangement that will apply where a pension benefit that is already in payment is to be split in accordance with a splitting instrument. This could be the situation where a couple who have been retired for a number of years decide to separate as a consequence of marriage breakdown. In such circumstances, the non-member spouse will be entitled to receive his or her share of the pension as an ongoing pension or commute the pension to a lump sum. The Bill provides that the non-member spouse must make a decision in regards to commuting the pension to a lump sum within a prescribed period. It is envisaged that the prescribed period will be 3 months. The non-member spouse's decision will be important, as the pension payable to him or her will, in terms of the *Family Law Act*, only continue during the life of the member spouse. This is because it is a share of the member spouse's pension that is in effect being directed to the non-member spouse. In relation to persons already in receipt of a pension, there are additional matters and issues that the non-member spouse will need to consider. The Government will be asking the relevant Superannuation Boards to ensure that in these circumstances, the non-member spouse is made fully aware of his or her options together with the benefits and disadvantages associated with these options.

It is important to note that the amendments being proposed in this Bill only apply to the breakdown in cohabiting relationships between two *married* persons, and do not deal with the breakdown in cohabiting relationships between defacto partners. Similar legislation dealing with the breakdown in relationships between defacto partners cannot be introduced until the power to legislate in respect of de facto relationships has been referred to the Commonwealth. Alternatively, the States need to enact legislation to provide for an arrangement similar to that which is about to come into operation for married partners. Even if the States are left to enact legislation to provide a similar arrangement, the Commonwealth will be required to enact amendments to deal with the transfer between funds of the superannuation interests of defacto partners. Resolution of this issue is under discussion with the Commonwealth. Until there is a resolution in this area, there will be different treatment of separating partners of a marriage, and separating partners of a defacto relationship.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that this Act will be brought into operation by proclamation. This clause also provides that section 7(5) of the *Acts Interpretation Act 1915* does not apply to the commencement of Part 2. This means that if Part 2 has not been brought into operation before the second anniversary of the date on which the Act is assented to, it will not be taken to come into operation on that anniversary.

Clause 3: Interpretation

This clause is formal.

PART 2

AMENDMENT OF JUDGES' PENSIONS ACT 1971

Clause 4: Insertion of s. 9A

This clause inserts a new provision relating to the entitlements of spouses who have received, or are entitled to receive, benefits in accordance with Part VIIIB of the *Family Law Act 1975* as facilitated by the provisions of Part 2A (inserted by clause 5).

9A. Spouse entitlement subject to any Family Law determination

Sections 6A(3), 8 and 9 of the principal Act provide for the payment of a pension to the spouse of a deceased Judge or former Judge. This section qualifies those sections by prohibiting the payment of a pension in circumstances where section 17K (inserted by clause 5) applies. Section 17K applies where a Judge dies and is survived by a spouse who has received, is receiving or is entitled to receive a benefit under a splitting instrument and has the effect of preventing a spouse in these circumstances from receiving any other benefit under the Act.

Clause 5: Insertion of Part 2A

Clause 5 inserts Part 2A, which contains provisions necessary to facilitate the division of interests under the Act between spouses who have separated. These provisions are necessary as a consequence of the passing of the *Family Law Legislation Amendment (Superannuation) Act 1975* and the regulations under that Act.

PART 2A

FAMILY LAW ACT PROVISIONS

17B. Purpose of this Part

Section 17B expresses the purpose of Part 2A, which is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of interests of spouses who have separated.

17C. Interpretation

Section 17C provides definitions of a number of terms that are introduced into the principal Act for the purposes of Part 2A only. Most of the definitions included in this section refer back to the Commonwealth instrument in which the term is originally defined (the *Family Law Act 1975* (as amended by the *Family Law Legislation Amendment (Superannuation) Act 1975*) or the *Family Law (Superannuation) Regulations 2001*).

Examples of terms defined in section 17C include "member spouse" (a spouse who has an entitlement to a superannuation interest), "non-member spouse" (the spouse of a member spouse) and "splitting instrument" (an agreement between spouses or an order of the Family Court providing for a split of the member spouse's superannuation interest).

17D. Accrued benefit multiple

Under regulation 64 of the *Family Law (Superannuation) Regulations 2001*, the trustee of an eligible superannuation plan is required to provide certain particulars to a non-member spouse seeking information in relation to, among other matters, a defined benefit interest. (A defined benefit interest is a superannuation interest (as defined) that entitles the member spouse to a benefit that is defined by reference to one or more of a number of specified factors. Interests under the principal Act are defined benefit interests.)

If a benefit is in the growth phase when a request for information is made, the trustee (or, under the principal Act, the Treasurer) is required under regulation 64(4)*(b)* to provide an applicant with the member spouse's "accrued benefit multiple". Section 17D provides three different formulae for determining the accrued benefit multiple in respect of a pension payable under the Act. The appropriate formula is determined on the basis of the member spouse's circumstances at the time the information is sought.

Section 17D also provides that the Treasurer may provide an applicant for information with a statement of the capital value of a member spouse's interest at a particular date, determined in accordance with methods or factors prescribed by regulation.

17E. Value of interest

This section concerns the determination of the value of an interest under the principal Act for the purposes of the relevant provisions of the *Family Law Act* and provides that the regulations may prescribe methods or factors that are to be used for making such a determination.

17F. Non-member spouse's entitlement

This section is concerned with the action required to be taken by the Treasurer on receipt of a splitting instrument.

The Treasurer is required to create a new interest for the non-member spouse named in the instrument. The form and value of the non-member spouse's interest will be determined on the basis of whether the interest is in the growth phase or payment phase and by reference to the provisions of the instrument.

17G. Entitlement where pension is in growth phase

If the member spouse's interest is a pension in the growth phase, the non-member spouse is entitled to a lump sum determined by the application of prescribed methods and factors to the member spouse's notional pension. The amount of the notional pension is determined in accordance with

subsection (3). There is a requirement that the valuation factors used for the purposes of section 17G take into account the contingencies relevant to the payment of a pension under the principal Act to the member spouse.

17H. Entitlement where pension is in payment phase

If the member spouse's interest is a pension in the payment phase, the pension must be split between the parties in accordance with the percentage split specified in the instrument. However, the non-member spouse may direct that his or her pension be commuted into a lump sum to be determined by the application of prescribed methods and factors.

17I. Payment of non-member spouse's entitlement

Any lump sum payable to a non-member spouse must, according to the non-member spouse's election, be rolled over into an account in the Southern State Superannuation Fund or to another superannuation fund or scheme approved by the Treasurer, or paid out (but only if such payment is permitted under the *Superannuation Industry (Supervision) Act 1993*). If a non-member spouse fails to make an election under this section within 28 days, his or her interest must be rolled over to the credit of the non-member spouse into an account in the Southern State Superannuation Fund.

17J. Reduction in Judge's entitlement

If a payment split is payable in respect of a member spouse's interest, there must be a corresponding reduction in the member spouse's entitlement.

17K. Pension not payable to spouse on death of Judge if split has occurred

A non-member spouse who has received a benefit under a splitting instrument is not entitled to any other benefit under the Act on the death of the member spouse. This prohibition does not apply in relation to benefits unconnected to the deceased spouse.

17L. Treasurer to comply with Commonwealth requirements

Part VIIIB of the *Family Law Act 1975* imposes certain requirements on trustees. This section imposes an obligation on the Treasurer to comply with those requirements as if the Treasurer were the trustee of the pension scheme.

17M. Payment of benefit

This section provides that any amount payable under Part 2A of the Act is payable by the Treasurer from the Consolidated Account or a special deposit account established by the Treasurer. A special deposit account is an account established under section 8 of the *Public Finance and Audit Act 1987*.

17N. Regulations

Section 17N provides that the Governor may make regulations contemplated by, or necessary or expedient for the purposes of, Part 2A. It is further provided that the regulations may modify the operation of the provisions of the Act in order to ensure that those provisions are consistent with, and complementary to, the requirements of the Commonwealth family law legislation.

The regulations may also prescribe fees payable in respect of matters in relation to which the Treasurer is permitted by the Commonwealth legislation to charge fees. Subsection (3) provides that if such fees are not paid within one month after they become payable, the Treasurer may deduct the fees from benefits payable to the spouse or non-member spouse, as appropriate.

PART 3

AMENDMENT OF PARLIAMENTARY SUPERANNUATION ACT 1974

Clause 6: Insertion of Part 4A

Part 4A, inserted by this clause, contains provisions necessary to ensure that the principal Act operates effectively in relation to the requirements of Part VIIIB of the *Family Law Act 1975* and the regulations under that Act, which provide for the division of superannuation interests between spouses who have separated.

PART 4A

FAMILY LAW ACT PROVISIONS

23A. Purpose of this Part

Section 23A expresses the purpose of Part 4A, which is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests of spouses who have separated.

23B. Interpretation

Section 23B provides definitions of a number of terms that are introduced into the principal Act for the purposes of Part 4A only. Most of the definitions included in this section refer back to the Commonwealth instrument in which the term is originally defined (the *Family Law Act 1975* (as amended by the *Family Law Legislation Amendment (Superannuation) Act 1975*) or the *Family Law (Superannuation) Regulations 2001*).

Examples of terms defined in section 23B include "member spouse" (a spouse who has an entitlement to a superannuation interest), "non-member spouse" (the spouse of a member spouse) and "splitting instrument" (an agreement between spouses or an order of the Family Court providing for a split of the member spouse's superannuation interest).

23C. Accrued benefit multiple

Under regulation 64 of the *Family Law (Superannuation) Regulations 2001*, the trustee of an eligible superannuation plan is required to provide certain particulars to a non-member spouse seeking information in relation to, among other matters, a defined benefit interest. (A defined benefit interest is a superannuation interest that entitles the member spouse to a benefit that is defined by reference to one or more of a number of specified factors. Superannuation interests under the principal Act are defined benefit interests.)

If a benefit is in the growth phase when a request for information is made, the trustee (the Board) is required under regulation 64(4)*(b)* to provide an applicant with the member spouse's "accrued benefit multiple". Section 23C provides two different formulae for determining the accrued benefit multiple in respect of a pension payable under the Act. The appropriate formula is determined on the basis of the member spouse's circumstances at the time the information is sought.

Section 23C also provides that the Board may provide an applicant with a statement of the capital value of a member spouse's interest at a particular date, determined in accordance with methods or factors prescribed by regulation.

23D. Value of superannuation interest

This section concerns the determination of the value of a superannuation interest under the principal Act for the purposes of the relevant provisions of the *Family Law Act* and provides that the regulations may prescribe methods or factors that are to be used for making such a determination.

23E. Non-member spouse's entitlement

This section relates to the action required to be taken by the Board on receipt of a splitting instrument.

The Board is required to create a new interest for the non-member spouse named in the instrument. The form and value of the interest will be determined on the basis of whether the interest is in the growth phase or payment phase, by the nature of the member spouse's superannuation interest and also by reference to the provisions of the instrument.

23F. Non-member spouse's entitlement where pension is in growth phase

If the member spouse's superannuation interest is a pension in the growth phase, the non-member spouse is entitled to a lump sum determined by the application of prescribed methods and factors to the member spouse's notional pension. The amount of the notional pension is determined in accordance with subsection (3). There is a requirement that the valuation factors used for the purposes of section 23F take into account the contingencies relevant to the payment of a pension under the principal Act to the member spouse.

23G. Non-member spouse's entitlement where pension is in payment phase

If the member spouse's superannuation interest is a pension in the payment phase, the pension must be split between the parties in accordance with the percentage split specified in the instrument. However, the non-member spouse may direct that his or her pension be commuted into a lump sum to be determined by the application of prescribed methods and factors.

23H. Payment of non-member spouse's entitlement

Any lump sum payable to a non-member spouse must be rolled over into an account in the Southern State Superannuation Fund or to another superannuation fund or scheme approved by the Board, or paid out (but only if such payment is permitted under the *Superannuation Industry (Supervision)*

Act 1993). If a non-member spouse fails to make an election under this section within 28 days, his or her interest must be rolled over to the credit of the non-member spouse into an account in the Southern State Superannuation Fund.

23I. Reduction in member's entitlement

If a payment split is payable in respect of a member spouse's superannuation interest, there must be a corresponding reduction in the member spouse's entitlement. The reduction is to be made by the Board in the manner specified in this section.

23J. Pension not payable to spouse on death of member if split has occurred

A non-member spouse who has received a benefit under a splitting instrument is not entitled to any other benefit under the Act on the death of the member spouse. This prohibition does not apply in relation to benefits unconnected to the deceased spouse.

23K. Board to comply with Commonwealth requirements

Part VIIIB of the *Family Law Act 1975* imposes certain requirements on trustees. This section reinforces the Board's obligation to comply with those requirements.

Clause 7: Insertion of s. 26AAA

Clause 7 inserts a new section into the Part of the Act that deals with the entitlements of spouses on the death of a member.

26AAA. Spouse entitlement subject to any Family Law determination

Section 26AAA prevents payment of a pension to a spouse in circumstances where section 23J applies. Section 23J applies where a non-member spouse has received, is receiving or is entitled to receive a benefit under a splitting instrument.

Clause 8: Insertion of s. 39A

This clause inserts a new provision relating to the confidentiality of information as to the entitlements or benefits of a particular person under the Act. It also ensures that the confidentiality requirements prescribed by the *Family Law Act 1975* apply for the purposes of the Act.

Clause 9: Amendment of s. 40—Regulations

This clause amends the section 40, which deals with the Governor's power to make regulations, by adding a specific power to make regulations for the purpose of modifying the operation of the provisions of the Act in order to ensure that these provisions are consistent with, and complementary to, the requirements of the Commonwealth family law legislation.

This amendment also provides a power to prescribe fees payable in respect of matters in relation to which the Board is permitted by the Commonwealth legislation to charge fees. Subsection (3) provides that if such fees are not paid within one month after they become payable, the Board may deduct the fees from benefits payable to the spouse or non-member spouse, as appropriate.

PART 4
AMENDMENT OF POLICE SUPERANNUATION ACT 1990

Clause 10: Amendment of s. 26—Death of contributor

Clause 11: Amendment of s. 32—Benefits payable on contributor's death

These clauses amend the provisions of the Act dealing with the entitlements of spouses on the death of old scheme and new scheme contributors by preventing the payment of a benefit to a surviving spouse in circumstances where section 38K applies. Section 38K applies where a non-member spouse has received, is receiving or is entitled to receive a benefit under a splitting instrument and prohibits payment of additional benefits to the non-member spouse on the death of the member spouse.

Clause 12: Insertion of Part 5B

Part 5B, inserted by this clause, contains provisions necessary to ensure that the principal Act operates effectively in relation to the requirements of Part VIIIB of the *Family Law Act 1975* and the regulations under that Act, which provide for the division of superannuation interests between spouses who have separated.

PART 5B
FAMILY LAW ACT PROVISIONS
DIVISION 1—PRELIMINARY

38F. Purpose of this Part

Section 38F expresses the purpose of Part 5B, which is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests of spouses who have separated.

38G. Interpretation

Section 38G provides definitions of a number of terms that are introduced into the principal Act for the purposes of Part 5B only. Most of the definitions included in this section refer back to the Commonwealth instrument in which the term is originally defined (the *Family Law Act 1975* (as amended by the *Family Law Legislation Amendment (Superannuation) Act 1975*) or the *Family Law (Superannuation) Regulations 2001*).

Examples of terms defined in section 38G include "member spouse" (a spouse who has an entitlement to a superannuation interest), "non-member spouse" (the spouse of a member spouse) and "splitting instrument" (an agreement between spouses or an order of the Family Court providing for a split of the member spouse's superannuation interest).

38H. Value of superannuation interest

This section concerns the determination of the value of a superannuation interest under the principal Act for the purposes of the relevant provisions of the *Family Law Act* and provides that the regulations may prescribe methods or factors that are to be used for making such a determination.

38I. Board to comply with Commonwealth requirements

Part VIIIB of the *Family Law Act 1975* imposes certain requirements on trustees. This section reinforces the Board's obligation to comply with those requirements.

38J. Reduction in contributor's entitlement

If a payment split is payable in respect of a member spouse's superannuation interest, there must be a corresponding reduction in the member spouse's entitlement. The reduction is to be made in the manner specified in this section.

38K. Benefit not payable to spouse on death of member if split has occurred

A non-member spouse who has received, is receiving or is entitled to receive a benefit under a splitting instrument is not entitled to any other benefit under the Act on the death of the member spouse. This prohibition does not apply in relation to benefits unconnected to the deceased spouse.

DIVISION 2—NEW SCHEME CONTRIBUTORS

38L. Application of Division

Division 2 of Part 5B applies in relation to the interests of new scheme contributors only.

38M. Accrued benefit multiple

Under regulation 64 of the *Family Law (Superannuation) Regulations 2001*, the trustee of an eligible superannuation plan is required to provide certain particulars to a non-member spouse seeking information in relation to, among other matters, a defined benefit interest. (A defined benefit interest is a superannuation interest that entitles the member spouse to a benefit that is defined by reference to one or more of a number of specified factors. Superannuation interests under the principal Act are defined benefit interests.)

If a benefit is in the growth phase when a request for information is made, the trustee (the Board) is required under regulation 64(4)*(b)* to provide an applicant with the member spouse's "accrued benefit multiple". Section 38M provides that the accrued benefit multiple in respect of a superannuation interest payable as a lump sum is the multiple of annual salary that the member spouse would be entitled to receive at the prescribed date assuming that the member spouse retired on that day at or above the age of retirement, with the member spouse's accrued contribution points and contribution period as at that day.

Section 38M also provides that the Board may provide an applicant with a statement of the value of a superannuation interest of a member spouse as at a particular date.

38N. Non-member spouse's entitlement

This section relates to the action required to be taken by the Board on receipt of a splitting instrument in respect of a superannuation interest payable as a lump sum.

The Board is required to create a new interest for the non-member spouse named in the instrument in accordance with the provisions of the instrument. The lump sum payable to the non-member spouse must, at his or her election, be rolled over into an account in the Southern State Superannuation Fund or to another superannuation fund or scheme approved by the Board, or paid out (but only if such payment is permitted under the *Superannuation Industry (Supervision) Act 1993*). If a non-member spouse fails to make an election under this section within

28 days, his or her interest must be rolled over to the credit of the non-member spouse into an account in the Southern State Superannuation Fund.

DIVISION 3—OLD SCHEME CONTRIBUTORS

38O. Application of Division

Division 3 of Part 5B applies in relation to the interests of old scheme contributors only.

38P. Accrued benefit multiple

Section 38P provides a method for determining the accrued benefit multiple in respect of a superannuation interest payable to an old scheme contributor under the Act.

Section 38P also provides that the Board may provide an applicant with a statement of the capital value of a member spouse's interest at a particular date, determined in accordance with methods or factors prescribed by regulation.

38Q. Non-member spouse's entitlement

This section relates to the action required to be taken by the Board on receipt of a splitting instrument in respect of a superannuation interest payable as a pension.

The Board is required to create a new interest for the non-member spouse named in the instrument. The form and value of the interest will be determined on the basis of whether the interest is in the growth phase or payment phase, by the nature of the member spouse's superannuation interest and also by reference to the provisions of the instrument.

38R. Non-member spouse's entitlement where pension is in growth phase

If the member spouse's superannuation interest is a pension in the growth phase, the non-member spouse is entitled to a lump sum determined by the application of prescribed methods and factors to the member spouse's notional pension. The amount of the notional pension is determined in accordance with subsection (3). There is a requirement that the valuation factors used for the purposes of section 38R take into account the contingencies relevant to the payment of a pension under the principal Act to the member spouse.

38S. Non-member spouse's entitlement where pension is in payment phase

If the member spouse's superannuation interest is a pension in the payment phase, the pension must be split between the parties in accordance with the percentage split specified in the instrument. However, the non-member spouse may direct that his or her pension be commuted into a lump sum to be determined by the application of prescribed methods and factors.

38T. Payment of non-member spouse's entitlement

Any lump sum payable to a non-member spouse must, at his or her election, be rolled over into an account in the Southern State Superannuation Fund or to another superannuation fund or scheme approved by the Board, or paid out (but only if such payment is permitted under the *Superannuation Industry (Supervision) Act 1993*). If a non-member spouse fails to make an election under this section within 28 days, his or her interest must be rolled over to the credit of the non-member spouse into an account in the Southern State Superannuation Fund.

Clause 13: Amendment of s. 49—Confidentiality

This amendment ensures that the confidentiality requirements prescribed by the *Family Law Act 1975* apply for the purposes of the Act.

Clause 14: Amendment of s. 52—Regulations

This clause amends section 52, which deals with the Governor's power to make regulations, by adding a specific power for the Governor to make regulations for the purpose of modifying the operation of the provisions of the Act in order to ensure that those provisions are consistent with, and complementary to, the requirements of the Commonwealth family law legislation.

This amendment also has the effect of providing a power to prescribe fees payable in respect of matters in relation to which the Board is permitted by the Commonwealth legislation to charge fees. Subsection (3) provides that if such fees are not paid within one month after they become payable, the Board may deduct the fees from benefits payable to the spouse or non-member spouse, as appropriate.

PART 5

AMENDMENT OF SOUTHERN STATE SUPERANNUATION ACT 1994

Clause 15: Amendment of s. 3—Interpretation

This clause amends section 3 by recasting the definition of "rollover account" to include any rollover accounts established by the Board, including under the new family law provisions.

Clause 16: Amendment of s. 7—Contribution and rollover accounts

This amendment makes it clear that the Board can debit administrative charges against members' contribution accounts or rollover accounts.

Clause 17: Amendment of s. 12—Payment of benefits

Under section 12 of the principal Act, a payment to be made under the Act to or on behalf of a member, or to a spouse or the estate of a deceased member, must be made out of the Consolidated Account or a special deposit account. The amendment to section 12 effected by this clause removes the wording that refers specifically to the spouse or estate of a deceased member and substitutes wording that is more general. This amendment therefore has the effect of requiring that payment to *any person entitled to a benefit* under the Act be made out of the Consolidated Account or a special deposit account.

Clause 18: Amendment of s. 14—Membership

Clause 19: Amendment of s. 21—Basic Invalidity/Death Insurance

Clause 20: Amendment of s. 22—Application for additional invalidity/death insurance

Clause 21: Amendment of s. 25—Contributions

Clause 22: Amendment of s. 26—Payments by employers

Clause 23: Amendment of s. 27—Employer contribution accounts

These amendments are all consequential on the creation of rollover accounts in the names of non-member spouses who are entitled to lump sum benefits under these Family Law provisions.

Clause 24: Amendment of s. 35—Death of member

Section 35 of the principal Act deals with the entitlements of a spouse on the death of a member. This amendment inserts a new subsection which has the effect of preventing the payment of a benefit to a surviving spouse in circumstances where section 35F applies. Section 35F applies where a non-member spouse has received, is entitled to receive or is receiving a benefit under a splitting instrument and prohibits payment of additional benefits to the non-member spouse on the death of the member spouse.

Clause 25: Insertion of Part 5A

Part 5A, inserted by this clause, includes provisions necessary to ensure that the principal Act operates effectively in relation to the requirements of Part VIIIB of the *Family Law Act 1975* and the regulations under that Act, which provide for the division of superannuation interests between spouses who have separated.

PART 5A

FAMILY LAW ACT PROVISIONS

35A. Purpose of this Part

Section 35A expresses the purpose of Part 5A, which is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests of spouses who have separated.

35B. Interpretation

Section 35B provides definitions of a number of terms that are introduced into the principal Act for the purposes of Part 5B only. Most of the definitions included in this section refer back to the Commonwealth instrument in which the term is originally defined (the *Family Law Act 1975* (as amended by the *Family Law Legislation Amendment (Superannuation) Act 1975*) or the *Family Law (Superannuation) Regulations 2001*).

Examples of terms defined in section 35B include "member spouse" (a spouse who has an entitlement to a superannuation interest), "non-member spouse" (a spouse who is not a member spouse in relation to a superannuation interest) and "splitting instrument" (an agreement between spouses or an order of the Family Court providing for a split of the member spouse's superannuation interest).

35C. Non-member spouse entitlement

This section deals with the action that must be taken by the Board following service of a splitting instrument. The Board is required to create a new interest for the non-member spouse named in the instrument in accordance with the provisions of the instrument.

35D. Payment of lump sum

The interest created for the non-member spouse under section 35C must, at his or her election, be retained in an account in the Southern State Superannuation Fund or rolled over to another superannuation fund or scheme approved by the

Board, or paid out (but only if such payment is permitted under the *Superannuation Industry (Supervision) Act 1993*). If a non-member spouse fails to make an election under this section within 28 days, his or her interest must be rolled over to the credit of the non-member spouse into an account in the Southern State Superannuation Fund.

35E. Reduction in member's entitlement

If a payment split is payable in respect of a member spouse's superannuation interest, there must be a corresponding reduction in the member spouse's entitlement. The reduction is to be made in the manner specified in this section.

35F. Lump sum not payable to person who has received benefit under splitting instrument

A non-member spouse who has received, is receiving or is entitled to receive a benefit under a splitting instrument is not entitled to any other benefit under the Act on the death of the member spouse. This prohibition does not apply in relation to benefits unconnected to the deceased spouse.

35G. Board to comply with Commonwealth requirements

Part VIIIB of the *Family Law Act 1975* imposes certain requirements on trustees. This section reinforces the Board's obligation to comply with those requirements.

35H. Provision of information

The Board will be able to provide information about the value of superannuation interests to eligible persons.

Clause 26: Amendment of s. 47A—Confidentiality

This amendment ensures that the confidentiality requirements prescribed by the *Family Law Act 1975* apply for the purposes of the Act.

Clause 27: Amendment of s. 49—Regulations

This clause amends section 49, which deals with the Governor's power to make regulations, by adding a specific power for the Governor to make regulations for the purpose of modifying the operation of the provisions of the Act in order to ensure that those provisions are consistent with, and complementary to, the requirements of the Commonwealth family law legislation.

This amendment also has the effect of providing a power to prescribe fees payable in respect of matters in relation to which the Board is permitted by the Commonwealth legislation to charge fees. Subsection (3) provides that if such fees are not paid within one month after they become payable, the Board may deduct the fees from benefits payable to the spouse or non-member spouse, as appropriate.

PART 6
AMENDMENT OF SUPERANNUATION ACT 1988

Clause 28: Amendment of s. 20B—Payment of benefits

Under section 20B of the principal Act, a payment to be made under the Act to or on behalf of a member, or to a spouse or child or the estate of a deceased member, must be made out of the Consolidated Account or a special deposit account. The amendment made to section 20B by this clause removes the wording that refers specifically to the spouse, child or estate of a deceased member and substitutes wording that is more general and therefore has the effect of requiring that payment to *any person entitled to a benefit* under the Act (and this will now include a non-member spouse) will be made out of the Consolidated Account or a special deposit account.

Clause 29: Amendment of s. 32—Death of contributor

Clause 30: Amendment of s. 38—Death of contributor

These clauses amend the provisions of the Act dealing with the entitlements of spouses on the death of both old scheme and new scheme contributors by preventing the payment of a benefit to a surviving spouse in circumstances where section 43AG applies. Section 43AG applies where a non-member spouse has received, is receiving or is entitled to receive a benefit under a splitting instrument and prohibits payment of additional benefits to the non-member spouse on the death of the member spouse.

Clause 31: Insertion of Part 5A

Part 5A, inserted by this clause, includes provisions necessary to ensure that the principal Act operates effectively in relation to the requirements of Part VIIIB of the *Family Law Act 1975* and the regulations under that Act, which provide for the division of superannuation interests between spouses who have separated.

PART 5A
FAMILY LAW ACT PROVISIONS
DIVISION 1—PRELIMINARY

43AB. Purpose of this Part

Section 43AB expresses the purpose of Part 5A, which is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests of spouses who have separated.

43AC. Interpretation

Section 43AC provides definitions of a number of terms that are introduced into the principal Act for the purposes of Part 5B only. Most of the definitions included in this section refer back to the Commonwealth instrument in which the term is originally defined (the *Family Law Act 1975* (as amended by the *Family Law Legislation Amendment (Superannuation) Act 1975*) or the *Family Law (Superannuation) Regulations 2001*).

Examples of terms defined in section 38G include "member spouse" (a spouse who has an entitlement to a superannuation interest), "non-member spouse" (a spouse who is not a member spouse in relation to a superannuation interest) and "splitting instrument" (an agreement between spouses or an order of the Family Court providing for a split of the member spouse's superannuation interest).

43AD. Value of superannuation interest

This section concerns the determination of the value of a superannuation interest under the principal Act for the purposes of the relevant provisions of the *Family Law Act* and provides that the regulations may prescribe methods or factors that are to be used for making such a determination.

43AE. Board to comply with Commonwealth requirements

Part VIIIB of the *Family Law Act 1975* imposes certain requirements on trustees. This section reinforces the Board's obligation to comply with those requirements.

43AF. Reduction in member's entitlement

If a payment split is payable in respect of a member spouse's superannuation interest, there must be a corresponding reduction in the member spouse's entitlement. The reduction is to be made in the manner specified in this section.

43AG. Benefit not payable to spouse on death of member if split has occurred

A non-member spouse who has received, is receiving or is entitled to receive a benefit under a splitting instrument is not entitled to any other benefit under the Act on the death of the member spouse. This prohibition does not apply in relation to benefits unconnected to the deceased spouse.

DIVISION 2—NEW SCHEME CONTRIBUTORS

43AH. Application of Division

Division 2 of Part 5A applies in relation to the interests of new scheme contributors only.

43AI. Accrued benefit multiple

Under regulation 64 of the *Family Law (Superannuation) Regulations 2001*, the trustee of an eligible superannuation plan is required to provide certain particulars to a non-member spouse seeking information in relation to, among other matters, a defined benefit interest. (A defined benefit interest is a superannuation interest that entitles the member spouse to a benefit that is defined by reference to one or more of a number of specified factors. Superannuation interests under the principal Act are defined benefit interests.)

If a benefit is in the growth phase when a request for information is made, the trustee (the Board) is required under regulation 64(4)*(b)* to provide an applicant with the member spouse's "accrued benefit multiple". Section 43AI provides that the accrued benefit multiple in respect of a superannuation interest payable as a lump sum is the multiple of annual salary that the member spouse would be entitled to receive at the prescribed date assuming that the member spouse retired on that day at or above the age of retirement, with the member spouse's accrued contribution points and contribution period as at that day.

Section 43AI also provides that the Board may provide an applicant with a statement of the value of a superannuation interest of a member spouse as at a particular date.

43AJ. Non-member spouse's entitlement

This section concerns the action required to be taken by the Board on receipt of a splitting instrument in respect of a superannuation interest payable as a lump sum.

The Board is required to create a new interest for the non-member spouse named in the instrument in accordance with the provisions of the instrument. The lump sum payable to the non-member spouse must, at his or her election, be rolled over into an account in the Southern

State Superannuation Fund or to another superannuation fund or scheme approved by the Board, or paid out (but only if such payment is permitted under the *Superannuation Industry (Supervision) Act 1993*). If a non-member spouse fails to make an election under this section within 28 days, his or her interest must be rolled over to the credit of the non-member spouse into an account in the Southern State Superannuation Fund.

DIVISION 3—OLD SCHEME CONTRIBUTORS

43AK. Application of Division

Division 3 of Part 5A applies in relation to the interests of old scheme contributors only.

43AL. Accrued benefit multiple

Section 43AL provides a method for determining the accrued benefit multiple in respect of a superannuation interest payable to an old scheme contributor under the Act.

Section 43AL also provides that the Board may provide an applicant with a statement of the capital value of a member spouse's interest at a particular date, determined in accordance with methods or factors prescribed by regulation.

43AM. Non-member spouse's entitlement

This section relates to the action required to be taken by the Board on receipt of a splitting instrument in respect of a superannuation interest payable as a pension.

The Board is required to create a new interest for the non-member spouse named in the instrument. The form and value of the interest will be determined on the basis of whether the interest is in the growth phase or payment phase, by the nature of the superannuation interest and also by reference to the provisions of the instrument.

43AN. Non-member spouse's entitlement where pension is in growth phase

If the member spouse's superannuation interest is a pension in the growth phase, the non-member spouse is entitled to a lump sum determined by the application of prescribed methods and factors to the member spouse's notional pension. The amount of the notional pension is determined in accordance with subsection (3). There is a requirement that the valuation factors used for the purposes of section 43AN take into account the contingencies relevant to the payment of a pension under the principal Act to the member spouse.

43AO. Non-member spouse's entitlement where pension is in payment phase

If the member spouse's superannuation interest is a pension in the payment phase, the pension must be split between the parties in accordance with the percentage split specified in the instrument. However, the non-member spouse may direct that his or her pension be commuted into a lump sum to be determined by the application of prescribed methods and factors.

43AP. Payment of non-member spouse's entitlement

Any lump sum payable to a non-member spouse must be rolled over into an account in the Southern State Superannuation Fund or to another superannuation fund or scheme approved by the Board, or paid out (but only if such payment is permitted under the *Superannuation Industry (Supervision) Act 1993*). If a non-member spouse fails to make an election under this section within 28 days, his or her interest must be rolled over to the credit of the non-member spouse into an account in the Southern State Superannuation Fund.

Clause 32: Amendment of s. 55—Confidentiality

This amendment ensures that the confidentiality requirements prescribed by the *Family Law Act 1975* apply for the purposes of the Act.

Clause 33: Amendment of s. 59—Regulations

This clause amends the section of the Act dealing with the Governor's power to make regulations by adding a specific power for the Governor to make regulations for the purpose of modifying the operation of the provisions of the Act in order to ensure that those provisions are consistent with, and complementary to, the requirements of the Commonwealth family law legislation.

This amendment also has the effect of providing a power to prescribe fees payable in respect of matters in relation to which the Board is permitted by the Commonwealth legislation to charge fees. Subsection (3) provides that if such fees are not paid within one month after they become payable, the Board may deduct the fees from benefits payable to the spouse or non-member spouse, as appropriate.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

The SPEAKER: Order! The honourable member for Napier should realise that the chair is commanding the attention of the chamber and should stand where he finds himself at the time when the chair rises to address the chamber.

VETERINARY PRACTICE BILL

Received from the Legislative Council and read a first time.

RIVER MURRAY BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 2451.)

The Hon. G.M. GUNN (Stuart): Late yesterday afternoon I was making some comments in relation to particular provisions of this very important but far-reaching piece of legislation, which confers very considerable powers upon the minister of the day in all sorts of areas. I do not believe that the general public would be either aware or, in many cases, in favour of these, because of the far-reaching nature of the provisions. They probably will be implemented not by the minister himself but by those who serve under him. It is with that in mind that I wish to continue my comments in relation to the draconian measures which are placed in this legislation and which will cause great personal distress to people who unwittingly contravene some of these measures.

The average citizen living in the Riverland will not have the opportunity of reading this document or be aware of its ramifications or understand what the regulations have to say but, of course, from time to time, if they are not careful, they may be visited by one of these so-called inspectors whom the minister is going to set up under the act. If he comes from the same group that he has in the Department of Environment, they are not noted for their democratic credentials or their ability to understand human nature or that in a democracy people have absolute rights to remain silent and to have their views taken into account. It is disturbing to me, and we will fight these issues in this house and in the other place.

I cannot understand why, in a democracy, ministers would want to continue to erode people's rights. We have argued in this place for years about people having rights. We are creating a situation where, unless you qualify for legal aid or represent a very large, strong, financial organisation, you are in a position of not being able to defend yourself under these draconian conditions. People only become aware of it, and then are most distressed, when one of these people suddenly confronts them. For any minister to want to compel a person to answer questions put to them is the sort of thing we find absolutely abhorrent in this society. I do not know why the minister wants to get involved in planning issues. Why would we want to have two ministers for planning—one minister here and one in the other place?

Which one is going to have the final say, with the local council also getting involved? I put to the house that this is a foolish suggestion. If we have a planning minister and we have local government involved, if local people are happy and satisfied, that is where it should be. We do not need people sitting in offices adjoining Victoria Square telling local people what sort of houses they should build and how they should build them. That is an absolute nonsense. Most

of these people would need a road map to get there, and when they get there they become instant experts.

But they normally have one outstanding characteristic, and that is arrogance, which normally goes with these sorts of people: arrogance and a lack of understanding of local issues. I do not care what others think about me; I intend to pursue these issues, and so do my colleagues. I have the great privilege of representing people living along sections of the River Murray, and in these matters I am always happy to have the wise counsel of the member for Chaffey and the former member for Chaffey, Peter Arnold, whose judgment I have always found to be very sound on these issues. However, they have never advised me that you need these sorts of provisions. It is not fair or reasonable that people should have to be covered by these sorts of provisions.

I look forward to the contribution of the member for Heysen, who is very skilled in understanding the hidden agenda in these matters because of her past experience as a parliamentary counsel in New South Wales. We are fortunate to have her wise counsel on these matters, as we have on other issues that have come before this chamber. I say to the minister that it appears that his department wants to become the overriding authority on all forms of activity in South Australia. I do not know whether his ministerial colleagues are aware, but if this sort of activity keeps up we will have a situation where we will have dual administrative authority in South Australia, with the minister's overriding apparatchiks trying to interfere and with other organisations of state also wanting to have their cut of the turkey.

We have far too much red tape and bureaucracy at the present time. The greatest threat to rights in a democracy is red tape and bureaucracy: it is insensitive, inconsiderate and, in many cases, unwise, and certainly lacking in local knowledge. The amendments that the member for Unley has put forward will improve this measure, and the amendments that I believe will be put forward in another place will further improve it. I look forward to the minister's response when we reach another stage of this debate, because a number of questions are involved. But I do draw to the minister's particular attention the provisions dealing with the Land Acquisition Act. Why is this necessary?

Ministers of the day had power under the Land Acquisition Act to acquire land for public purposes. Why is this provision necessary? Is it to weaken and take rights from people so that the government does not have to go through the process of proper consultation to ensure that compulsory acquisition should always be the last resort? Why is this provision necessary in this piece of legislation?

We will not let go of this legislation because it should not be the first line of attack: it should be the last resort when dealing with people's property. We believe in people's property rights and we will continue to defend them, and I believe that clause 19 is a very important provision—as is the provision regarding entry onto people's land. Can the minister say what will happen to houseboats which people use as private residences? Is Sir Humphrey going to have access to them?

Time expired.

The Hon. R.G. KERIN (Leader of the Opposition): It is a pity that the member for Stuart ran out of time, because he is very well versed in these topics. I will make a short contribution, but I view what is happening with regard to this legislation quite cynically. I totally agree with bipartisanship in regard to the river. I served on the Murray-Darling Basin Ministerial Council for about six years, and there is much work to do. It is very much a matter of working in partnership with the states upstream, and there has to be a lot of commitment, beyond rhetoric, shown to the river. During our term in government we showed that through the Loxton irrigation scheme and other schemes. The allocation of $100 million to the national action plan, much of which would be spent in the Murray-Darling Basin, also showed the commitment of our government. And, thank goodness, we locked it away in a separate account so that it could not be syphoned off by our rather stingy current Treasurer.

But, putting that aside, this is very political legislation. The rhetoric to do with the river is based on it, while other actions are occurring underneath. However, I must admit that it is not as political as the stunt that we have seen with regard to radioactive waste over the last few months where we have heard much garbage sprouted which makes absolutely no sense in a very cynical political exercise. This is a bit the same. We need to be careful. We will do what we can to help the river but we want to see sensible legislation. Obviously, the true impact of this particular legislation is very difficult to gauge. Not only will there be a lot of questions asked here, but also I hope that when it gets to the upper house we will have another opportunity to put in some sensible powers to try to better understand the motive behind some of the clauses.

I am very concerned about the powers that this gives to one minister—there is no doubt that it does that. I hope that the minister is well and truly on his toes, because there have been a few occasions recently when he has been outsmarted by his bureaucrats. The issue of crown leases is an absolute classic. I admit that he was a very new minister at the time and he did not understand what they put forward to him—we have a cabinet that does not understand such things. The minister was outsmarted on crown leases.

Rather than criticise the people within the Department of Environment, I suppose I should congratulate them on having so many wins along the way. For example, in regard to Lonzar's Lodge they got their way very easily before the minister really knew what was going on; and in relation to the Coffin Bay ponies, the entire community on Eyre Peninsula has been denied even a say in the final decision—people are allowed a say, but the minister will not change the decision, and a couple of people in the department are getting their way over that issue. We do not want to see that happen with regard to the Murray: we cannot afford for it to happen.

My second-biggest problem is the centralisation of powers which this legislation gives to one minister which gives him an overriding power in a range of decisions which are made by other areas of government with greater expertise. However, the biggest problem that I have with it is not the power that it gives the minister but, in reality, while the legislation may read that the minister has certain powers, we all know that it centralises an enormous amount of power in a certain group of bureaucrats.

In this case, they sit in the environment portfolio. The River Murray, as we well know, is not in the metropolitan area of Adelaide; it is in rural areas. Given the areas over which this bill will give the portfolio such influence, one must take into account the culture of the organisation, the track record of the portfolio and an ability to work cooperatively with land-holders, local government, developers, irrigators and volunteer groups within the community. I must say that the track record is nowhere near as good in the

environment portfolio as it has been in some other areas such as primary industry.

Another point I make is about commitment to the river. I have heard what the minister has said about the Lower Murray swamps. I do not know what the bureaucrats are telling him but, if we really want to look after this river, we must get back to the reality of what commitment to the river is all about. A couple of weeks ago, I was accused of a monumental untruth—I am not too sure where that sits in the dictionary against the 'L' word—for saying that this government's commitment to the Lower Murray swamps is less than the last one. I will put it in plain English. We announced a $40 million project. As we did not have the final costings, it was always my intent that, if it is a $40 million project, the same would apply as for Loxton.

Loxton was $16 million state, $16 million federal and $8 million land-holder or community. It was always said that we would do the same for them as we did for others. We did not have the final figures. It is very interesting that in relation to the 40, 40, 20 split—and it was always said that it would be the same as the others—the community contribution is $8 million. It is very interesting now that we have had a project shaved from $40 million to $30 million—and I will get on to how that happened in a moment. What is really interesting is that the community or land-holder contribution to the $30 million is exactly the same as it would have been to a $40 million project; that is, instead of 16, 16, 8, it is now 11, 11, 8. The state takes $5 million off and it asks the federal government for $5 million less—there is $10 million.

Very interestingly, where has that $10 million gone? It has been shifted out of the project largely on the advice of a consultant who was engaged and who has been taken off the project. Who will have to pay that $10 million—the land-holder. In effect, if it turned out to be a $40 million project, the intent was 16, 16, 8. Suddenly, it is 11, 11, 8, and some very necessary works (which are not all farm works) have been shifted outside the scope of the project, and the dairy farmers have been told that they will have to fund those—

The Hon. J.D. Hill interjecting:

The Hon. R.G. KERIN: I am not talking about the laser levelling; I am talking about the drainage, which is infrastructure owned by SA Water and which, I am told, has now been removed from the scope of the project. I think the minister needs to ask some of those who have been involved in this project from day one about what the initial intent was. The advice to remove the drainage from the scope of the project is outrageous. As far as upstream goes, I think it shows an absolute lack of commitment by this current government to the River Murray. If the government wants bipartisan support, it should stop these shenanigans, because not only is it unfair to the people in the Lower Murray area but it is also unaffordable.

I do not know what the minister has been told about this, but I have had a great deal to do with the project over the past five years. I know what the intent was and I have a fair understanding of how it has now changed from $40 million to $30 million. It was interesting that the $40 million project, which we announced last year, was reannounced by the government—and it received much credit for announcing a $30 million project. With what we know now, it was cynical to announce it as a $30 million project. All it was doing was reducing the commitment of the state government and therefore the federal government as well. Putting that aside, I think that shows a lack of commitment.

We are concerned with many aspects of the bill. Many questions will have to be asked. It is very difficult, because of the complexity of the flow-on amendments, to know what will be the total repercussions of this bill. Many questions will have to be asked to smoke out some answers as to what it will mean in effect. Certainly, we reserve our right to make further changes when this bill goes to the other place. It is before us, it is an important bill, and we are very concerned about some of the repercussions and centralisation of power. As I said, it is not always the minister who makes the base decisions. The bill moves a lot of power from some of the silos of government into one particular silo and, while a lot of good people are involved, that power is not always particularly trusted by people in regional areas.

The Hon. R.B. SUCH (Fisher): I support the overall thrust of this very complicated bill. No-one inside or outside this place is likely to oppose the general thrust, because it is on a level with motherhood and contains many fine objectives that we all support. The bill talks about sustainability and objectives for a healthy River Murray, and we all certainly applaud those. It is commendable that we are reaching a point where we might see some action in relation to the River Murray, and I commend both the minister and the shadow minister. I know that they are both passionate about the River Murray, as are other members of parliament.

For too long we have played the old blame game, and we are pretty good at it in South Australia—blaming people upstream, while people upstream blame or ignore us. That is a waste of time and effort, and it is appropriate that the blame game stop. In many respects, we have done—and still do—things to the River Murray of which we should not be proud, and some are straight geological facts. Much of the salinity (if not most) that enters the Murray comes from South Australia, because the river passes over an old seabed.

So, we hear a lot of accusations about people upstream and midstream but, in my view, that is a silly, time-wasting exercise, and the sooner that we get down to resolving some of the issues in a practical, commonsense way the better. The key issue, which is not addressed directly by this bill (but it needs to be), is providing the funding to do something about the River Murray which is clearly for the benefit of South Australia. Ultimately, it simply comes down to finding the money and getting the money from those who benefit from the River Murray. I think that is a fairly simple analysis: if you benefit from the River Murray in one way or another, you should pay. Whether you achieve that by a levy or a tax, or whatever you call it, that is the bottom line. So, we have had a lot of shadow-boxing for a long time, with people saying, 'We need to do this. We need to address salinity. We need to cap flow,' and so on. However, in my view, the key issue is addressing the matter of funding the reforms.

So, whilst I commend this bill in its general thrust, and it is subject to some amendment and tinkering during the parliamentary process, I am very interested in how the reform process will be funded. I make no apology for that, and I believe that no-one should be running away and hoping that the commonwealth will pay, or Freddy the irrigator will pay. Freddy the irrigator will be paying, and should pay, but so should Mary the consumer and anyone else in between—houseboat operators, people who use the river recreationally, and so on. There is no magic source of funding. It will come out of our pockets, and the sooner we realise that and accept it, the better.

It is unfortunate that the river does not get the respect it deserves. Some of the agencies are trying to address issues such as poor irrigation practices, some of which we still have in South Australia. We have had the historical situation in the Lower Murray where dairy farmers have engaged in practices which we now regard as inappropriate. But we cannot crucify those people: we have to find a mechanism so that they can either leave the industry with dignity and some compensation or be given moneys to develop practices which are sound and which will support the river on an ongoing basis.

We have moved quite a long way. I know that we get a little despondent at times and think that we have not made much progress, but I think that if people look back from this point to, say, two years, five years or 10 years ago they will see that we have made progress in at least acknowledging that the River Murray is fundamental to the future of South Australia. The time has come to end the rhetoric, stop the blame game and acknowledge that, one way or another, we are going to have to pay to maintain and restore the river. I am looking forward to those measures—not because I want to pay extra but because I realise that it is necessary—which I regard as the meat.

What we are seeing here today, really, in a sense, is the menu. I want to see the meat and three vegies that will contribute to and sustain the river forever. I think that the public of South Australia is willing to accept that consequence and that cost. I believe that people upstream, downstream, midstream and anywhere else on the stream accept that there is no free lunch, that there is no free River Murray and that we will have to pay for it. I commend the minister for his input and also the shadow minister who, I know, is very passionate, too. I am looking forward to the detail, in terms of how we fund these worthy objectives outlined in the bill.

Ms BREUER (Giles): I feel that it is important that I make a few brief comments today about this bill because, with respect to my part of the state, Whyalla is solely dependent on the River Murray. It was pointed out to me that if a terrorist really wanted to get to us, all they would need to do is bomb the pipeline between Morgan and Whyalla. We would be in serious trouble because Whyalla has absolutely no other water source. A lot of work has been done in the region in relation to stormwater management and some work has been done on underground water but, really, the supplies are nothing like adequate to cover the water that we need in our city.

Port Augusta and Port Pirie, of course, are in a similar situation. We do not have any available freshwater supplies. The River Murray is absolutely essential to us at this stage, unless some very expensive infrastructure were to be put in place, such as a water desalination plant. I think that, probably in the future, this will have to happen, but certainly, at this stage, we are totally dependent on the River Murray. Also, I am the Presiding Member of the Environment, Resources and Development Committee and the importance of the River Murray has become one of the committee's primary concerns.

In recent months the committee has done a lot of work on stormwater management. We have done a lot of other work on water issues and, time and again, the issue of the River Murray and the state it is in emerge from the evidence before the committee and in the work that it is doing. Recently, a parliamentary conference was held in Adelaide which involved all the states of Australia, as well as some federal representatives. It was a joint conference between the ERD committees and the public works committees. The main theme of the conference was water. Much of the evidence presented by speakers at the conference addressed issues relating to the River Murray.

We had some very good speakers and some very serious concerns were highlighted by that conference. Some solutions were put forward but, of course, they are still a long way off. It is an issue that concerns all of us in this state. Certainly, the ERD Committee has major concerns about this issue. At present, the ERD Committee is also inquiring into stormwater management, and evidence indicates that whatever work is done in Adelaide, whatever resources are managed and whatever infrastructure is put in place will never cover more than about 30 to 40 per cent of the water needs in metropolitan Adelaide. We are still reliant, to a very large extent, on the River Murray water supplies. I believe it is essential that we get the River Murray right, and I think that this bill does a lot to address many of those concerns. It will go a long way to setting an example to the other states, and I certainly support this bill.

Mr MEIER (Goyder): I, too, rise to support the bill. It is particularly a committee bill, with so many clauses that need examination and in many cases closer examination. There is no doubt, as members have said so far, that the River Murray is our lifeblood, and people may wonder why I as the member for Yorke Peninsula and the lower north area of Wakefield Plains am interested in the Murray. The answer is similar to the reason for the contribution by the member for Giles, namely, that we rely almost entirely on water from the Murray. We are not 100 per cent dependent on it, but very dependent on it. It is our lifeblood, and the problem we face is that we have so much new development going on in parts of the electorate and water is not being extended to those areas because the pipeline does not allow sufficient extension to occur. Various alternative arrangements are being made whereby councils are coming in, such as the case in Balgowan, and installing storage water tanks, and the local community has to pay a levy for that water. It has a restricted reticulated system and there are several more proposals along that line.

Desalination will probably be the answer in the longer term because, whether or not we believe it, our water is relatively cheap compared to many other countries. I particularly single out parts of Europe, where their water is double or more than double the price of ours. If we double the price of our water, which would make it nearer $2 dollars per kilolitre, we would be almost at the stage where we could afford the desalinated water, as I believe that is about the price it costs on Kangaroo Island, where the pilot plant has been operating for several years. That is in the future. In the meantime we have to seek to help the River Murray.

One of the major concerns I have about this bill is the amount of power given to the minister. Is power being given to the minister or to the public servants? Most members here would know that they read in a bill states that power is being given to a minister we are really saying that it is being given to the bureaucrats who run that department. I have serious concerns about that. The parliament needs to have greater control so that the minister does not have all assuming power over the Murray.

Of concern also are the River Murray protected areas and the fact that a 500 metre zone, called the River Murray protection zone, extends beyond the Murray. It is my concern

that many activities such as mining, irrigation and a number of agricultural practices that take place in that area will find it difficult. If you want a new development, let alone a new housing development, along that line it will be difficult to get. Those questions will have to be taken up in committee.

The other matter is that a call has gone out from Victoria, New South Wales and Victoria for South Australia to be more vigilant in its use of water. Those of us who were present for the River Murray forum held in this chamber some weeks ago would recall a couple of the speakers, particularly the speaker from Queensland, who said that water restrictions should have been imposed. That is a good philosophical argument but, even if we had water restrictions, it would only have saved us the equivalent of one day's evaporation from the Murray in total. We have to weigh up whether we simply want to appease people by window dressing or want to take action that will genuinely save a lot of water. Personally, I believe in the second approach, namely, that we should genuinely save a lot of water. The only way we will do that in the long run is to get alternative supplies to those from the Murray.

One issue that has not been mentioned by anyone is what studies have been done to consider new reservoirs in this state. Members would know that our original water supplies came from reservoirs. What studies have been done to determine whether we can build any new reservoirs? Of course, in this day and age with the preservation of native vegetation etc. it would be difficult. We have to weigh up whether we want to keep living the lifestyle that we do at present or whether we want to conserve the water in the River Murray. If they are the two key criteria, we should look at alternative storage sites to help offset the amount of water taken away.

Without doubt, though, the amount of water disappearing through irrigation is the key reason for the loss of water. I remember flying over the River Murray in 1982—and that was a dry year—in a small plane from Adelaide to Albury. The pilot followed the River Murray for most of way. It was as obvious as anything to me as a complete layperson that the water was all going out in irrigation. You could see it being sucked out. The Murray was literally drying up before my eyes the closer we got to Albury. Obviously, it is a much smaller river there, too, I realise that, but the Hume Dam has always been a safety mechanism there. Until that issue is tackled in all seriousness, then other means will not restore water.

Let us hope for a 1956 type year in which we will get excessive water into the Murray. Those of us who are old enough—and there would be few here now—would remember that flood quite well, and I remember the benefits that followed the tragedies. One of the benefits was that I went fishing at Blanchetown and, every time I put the line in, I pulled out a doubleheader. It was just unbelievable fishing. I would have been 10 years old then and I have never had fishing like it since; but I hope I might have another opportunity. If we had a year like that in the next year or five years, our problems would be solved for quite some time. However, we cannot rely on getting another year like that; it may be 20, 30 or 40 years before that comes. Certainly, given the amount of irrigation occurring, the resultant salt that occurs and the pollution to the river in so many other ways, we must have a bill that helps to ensure that we are doing everything we can as human beings to protect the Murray not only as a water supply but in an ecological sense, as well. I look forward to debate on this bill. I support the bill, but I know that many things have to be sorted out in the committee stage.

Mrs REDMOND (Heysen): I want to make some comments on this bill at this stage, but I should alert the house to the fact that I will be making more comments and asking questions in the committee stage. Certainly, like other members, I am keen to see the enhancement and protection of the River Murray as is outlined in the preamble to the bill. I commend that basic concept, and it deserves our thorough contribution. This may be the single most important piece of legislation and single most important issue to face this parliament, during this session at least. In essence, this legislation—and I must confess that I do not have my head completely around it in spite of the gracious comments of the member for Stuart about my abilities in that regard—is to make 20 other pieces of legislation, to the extent that that legislation could have an effect on the river, subservient to this act and to the requirements of the minister. It specifically amends 20 other pieces of legislation. Its detail has confused me somewhat, but there are a number of general comments I want to make. For instance, there is a very broad definition within the definitions section at the beginning of 'River Murray' and another definition of 'River Murray system'. I understand that, notwithstanding the breadth of that definition, this bill does not and cannot even contemplate going beyond the boundaries of this state, and it does not purport to control—

The Hon. J.D. Hill interjecting:

Mrs REDMOND: As much as the minister obviously would like it to—and I am sure that we all would—it is clear that we will never achieve the protection and enhancement of the river system without some effort on the part of the other states. But it seems to me to be patently obvious that, in order to persuade those other states (and we must rely on our ability to do that; we cannot force them) to do things that we want to see done in relation to the river and its protection, it is important, in my view, to first show ourselves to have been excellent citizens in that regard. It seems to me that we have to do everything possible to improve the situation in this state. I accept the argument put by the minister earlier in the summer about why we did not need to have water restrictions, but I suggest that water restrictions in this state would be a good idea, if only because of the criticism of the other states in relation to our failure to impose them.

As I said, I had a fair bit of difficulty in coming to terms (and I am still trying to come to terms) with a number of things in the legislation. Like a number of other members, I am confused by the difference between an object and an objective. I suspect that what has happened is just like what has happened with the word 'program', which appears numerous times in the bill with one 'm'. 'Program' was a verb when I went to school and 'programme' was a noun, and, in the same way, 'objects' was a verb and 'objectives' was a noun, but we now have two nouns, 'objects' and 'objectives'. From reading them, I took it that the objects were, indeed, the sort of higher level overarching principles and that the objectives were the strategies (if I can use that term) by which those principles were to be achieved.

I note that, when clause 6 talks about objects, it is referring to the River Murray and, when clause 7 talks about objectives, the references are generally to the River Murray system. I thought I had my head around that, until I then went back to the definitions. If we look at the definition of 'River Murray', we see that it means the main stem of the River

Murray (I am comfortable with that) and the natural resources of the River Murray. The natural resources of the River Murray are then defined as follows:

> 'Natural resources' of the River Murray means—
> (a) the River Murray system;

That means that, within the definition of 'River Murray', we have the entire River Murray system, anyway, as well as all soil, ground water and surface water, air, vegetation, animals (we are going to leave out, I gather, fish and organisms) and ecosystems connected or associated with the River Murray, and various other things, including cultural heritage, natural heritage, minerals and other substances. It seems to me to be somewhat circular, to say the least, to have objects which deal with the River Murray and objectives which deal with the River Murray system when, in fact, the River Murray, by definition, under the bill, includes the whole of the River Murray system in any event.

Like other members, I have some concerns about the powers given to the minister and his authorised officers or delegates. They are extensive—and I accept that it may be necessary for the minister to have those quite extensive powers—but it seems to me that we need to be quite cautious in our approach to giving powers as extensive as this to one minister. For instance, pursuant to clause 3(6) of the bill, in assessing the costs or extent of any damage, the minister can apply any assumptions he thinks reasonable. That is quite an extensive power.

If we turn to clause 9, we see that the minister is to have a role in the development of statutory instruments and to approve, or provide advice regarding approval of, any activities proposed to be undertaken within the Murray-Darling Basin that may have an impact on the River Murray. It would be my submission that the plain sense of those words means that any activity undertaken anywhere near the River Murray or, indeed, the system, or the protection areas, may have an impact on the River Murray and, therefore, could come within the area over which the minister will have power.

Clause 9 itself uses terms like 'consult' and 'promote', but later clauses of the bill give the minister much more extensive powers. Even clause 9(1)(m) provides that the minister will undertake the enforcement of this act especially in relation to the general duty of care, and I will have more to say about the general duty of care in a minute. Clause 16(1) provides that the minister may construct, maintain or remove such works, and may undertake any work, as the minister sees fit. Those works may include infrastructure constructed for the purposes of changing or managing the flow of water. We have in the definitions clause a definition of infrastructure which is broad enough that the minister could without further notice simply remove all the locks, if he decided that that was in the best interests of the River Murray, the day after the bill came in. I am not suggesting for a moment that the minister intends to do that or not to consult, but if we give these powers to the minister we need to be aware that that is precisely what he is empowered to do, without further consultation with this parliament or anyone else.

Furthermore, under clause 23, the minister can issue what is called a River Murray protection order, under which, among other things, he can ensure compliance with the general duty of care. This general duty of care is a pretty interesting clause, because everyone is compelled to comply with it. It requires all people to take all reasonable measures to prevent or minimise any harm to the river through their activities or actions, and 'harm' includes the risk of harm and future harm and it does not need to be permanent harm. So, as I understand the bill, the minister can make an assessment, presumably on the advice of officers of his department, that someone might potentially cause harm to the river by doing a certain thing and issue a River Murray protection order under clause 23 telling them to cease and desist, even though it is something they already have permission to do. Breach of that general duty of care is not of itself an offence, but it becomes an offence at the point when the minister issues such a protection order under clause 23. Failure to comply has a range of penalties, up to a maximum of $120 000.

Presumably that would not be the case in the average domestic circumstances, and I acknowledge that the bill provides for lower penalties in certain domestic circumstances, but it is important to note a couple of things about those penalty provisions. First, an appeal mechanism is provided in clause 32 of the bill, but that appeal allows only 14 days to institute an appeal, and normally one would get about 28 days to institute an appeal. Furthermore, there is no automatic stay of the order simply because an appeal is lodged; you have to get the court to order a stay. So, there is a fair bit of expense for anyone who has been pursued by the minister or the minister's delegate, because under section 12 of the act the minister can delegate any and all of his powers to any person or office holder, and those powers can be further delegated. They can go further down the line, so it will not necessarily even be the minister making these decisions.

Furthermore, we should note two other important and significant matters regarding offences under the act generally. First, clause 37 contains quite an onerous provision for continuing offences. It is important that we are very aware of continuing offences. Clause 37 provides that a person convicted of an offence against a provision of this act in respect of a continuing act or omission first is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence. So, if it continued for 14 days, one-tenth times 14 is 140 per cent on top of the original penalty. If the act or omission continues after the conviction, they are guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable, to a penalty for each day during which it continued, again, of not more than one-tenth of the maximum penalty. That is one concern I have about that.

My next concern is with the very next clause, relating to the liability of directors. I appreciate the idea that we need to be able to make company directors liable for the actions of companies, because companies are ephemeral things that cannot necessarily be pursued easily for monetary amounts if a complaint is found against them. That is fine. What I am concerned about, though, is the fact that clause 38 appears to reverse the usual onus of proof. It states:

> If a corporation commits an offence against this Act, each director of the corporation is guilty of an offence and liable to the same penalty as is fixed for the principal offence. . .

I do not have a huge problem with that, although if there are 10 directors and they are all liable for the whole amount, that seems a bit onerous. It states that they are each liable for the amount of the principal offence:

> . . . unless it is proved that the principal offence did not result from failure on the director's part to take reasonable care to prevent the commission of the offence.

So, remembering that this bill states specifically that these offences will be punishable within the criminal jurisdiction of the Environment, Resources and Development Court, that reverses the usual onus of proof and puts it on the defendant to prove that he is not guilty.

The Hon. J.D. Hill: You would have to use the normal onus of proof to prove that the company was guilty.

Mrs REDMOND: Yes, that is admitted, but, given the provision that the director is then automatically liable, he then has to prove that he is innocent.

The Hon. J.D. Hill: Otherwise you would have a double level of proof to go through.

Mrs REDMOND: No, I don't think so. I return to clause 21 of the bill because that is another important measure in terms of the minister's powers. I believe that it gives the minister quite extensive powers whenever something is referred to him under any of the other 20 pieces of legislation that appear in the schedule. Indeed, it gives the minister not just power but an obligation, stating that when something is referred to him under this piece of legislation, either a statutory instrument that is going to affect things within the Murray-Darling Basin, or a statutory authorisation, it must come to him whether for approval, endorsement, concurrence, consultation, comment or other form of consideration or assessment, and the minister must take certain things into account and do the things that the bill sets out for him to do.

He must take them into account and seek to further the objects of the act and the ORMs, which have been given that name because it is too confusing to refer to them all the time as objectives of the legislation. It would have been smarter to say 'the objects and objectives of the act and/or any one of them' because, technically, at the moment you have to comply with all the objects of the bill in seeking to enforce these provisions, when in fact it seems to me that the minister would want to be able to say simply that a single object of the legislation is enough for him to intervene. He must also take into account various things. I have some difficulties with the level of power that is given to the minister under the legislation.

Like the member for Stuart, I have some concerns also about the level of power given to authorised officers. It is probably fixable, but, the way it is set up at the moment, authorised officers can just enter into premises and do various things as set out in clause 14. An authorised officer may, as may reasonably be required, enter any place, inspect and even dig up holes, including the stratum below the surface, enter and inspect any vehicle, require a vehicle to stop, give directions, take measurements, place markers, and so on. More importantly, he can take photographs, films, audio, video and other recordings. An authorised officer can also seize and retain anything that the officer reasonably suspects has been used in or may constitute evidence of contravention of the bill, and may require a person to answer questions.

That is one of the provisions with which I have some difficulty. I would not mind it so much if the authorised officer, in addition to having to show his authorisation, had to show the person whom he is approaching and asking questions not just an authority but some basis for the asking of the questions. An earlier measure sets out that the authorised officer must have a card bearing his photograph saying that he is authorised under the legislation, and clause 15 provides quite a significant potential penalty for failure to answer such questions, with a maximum penalty of $20 000. In those circumstances, that would be reasonable at the very least.

In other words, in addition to carrying an authority, I believe they should carry some sort of instrument saying, 'Here's what section 14 of the act says, and this gives me the power.' Otherwise, someone would be in a blind situation. People would be approached by an authorised officer, who could say, 'You'll answer my questions,' without people necessarily seeing what authority requires it. Given the imposition of a $20 000 maximum penalty, it seems only reasonable to give people fair notice of what their rights are in the circumstances.

I have another slight difficulty in that I note that the original provision states that the authorised officer cannot exercise these powers in respect of residential premises, and I understand that the government is now intending to exempt vessels and crafts. That would mean that anyone who lives on their houseboat is, for some reason, treated differently to people who normally reside in a house located alongside the river, and that seems to me to be an unfair provision. As I have said, I will have a number of questions when we get to the committee stage.

I have one other brief comment, again in relation to unfairness. A couple of the provisions in the bill refer to indigenous interests. I have no difficulty with the concept that indigenous interests should be considered, but I think that, equally, non-indigenous interests should be considered. There are generational people living along the river—people who will be substantially affected by this legislation—and I think it would do no harm to include indigenous and non-indigenous interests in the consideration of the bill.

In closing, I support generally the thrust of the bill. As the member for Fisher has said, it is a bit like motherhood and apple pie—who would not support trying to protect and enhance our river system? However, I will be asking the minister some questions during the committee stage (I suspect that the committee stage might go on for a fair old time), because I still do not have my head completely around exactly how this act is intended to operate and indeed whether it will operate as the minister—no doubt, with good intention—expects it will.

Mr BRINDAL (Unley): I will start my contribution by genuinely thanking all those members of my party who have contributed thus far and those who, after my contribution and before we go into the committee stage, will also contribute. It is most heartening to me—and I think should be most heartening to this parliament—to see the interest shown on both sides of the house. I cannot speak for the minister's team, but for Liberals in South Australia the amount of genuine interest shown and the ability of many of my fellow shadow ministers and even members of the backbench, such as the members for Heysen and Stuart, who have particular interest in this bill, have come forward and done a considerable amount of work. It is a great credit to them and a great credit to team effort on this side of the house and augurs very well for the parliamentary process and the improvements that can be made to any piece of legislation.

So, I will not attempt to recanvass many of the valuable points made by the members for Stuart and Heysen and others, other than peripherally in a theme. In introducing his second reading explanation, the minister spoke of the River Murray Bill 2002 as historic legislation. He said that he was introducing an act, which we debate today, at a time when 'the need for such legislation could hardly be more self-

evident.' He then went on to say in that orgy of self-congratulation—which is quickly becoming a hallmark of his government—to congratulate himself and proclaim the legislation as 'bold'—

Mr Snelling interjecting:

Mr BRINDAL: But a bit of flagellation goes with a bit of congratulation, I would remind the member opposite; he should know that because he is a good Catholic—and, in essence, somehow essential to the state's water resources.

On 5 December 2002, when he tabled his speech, the minister did remind this state that a serious drought faces this country, and we are reminded daily and starkly of the importance of good water management. When the rhetoric and hyperbole are swept aside, that is what the Liberal Party when it had the privilege of serving the government of this state, and indeed what the minister's party, firstly, in seeking the endorsement of the people of South Australia and, secondly, on obtaining office, have sought to do. We both have sought to achieve a regime of good water management. In fact, that is the first and last test of this bill, and should be in front of every member of this house as they question and analyse each clause. It is the measure against which every statement, every clause and every regulation should be judged. Does it achieve good water management?

This parliament, that is, the next three years, will see the testing of the government in South Australia by Her Majesty's opposition and the people of South Australia as they have never been tested before since European settlement. From a supporting media core, through the serried ranks of government at all levels, to the South Australian population, the next three years pose acid tests in respect of our water resources that may well undermine both our long-term viability as a region and our sustainability as a state, both in human and environmental terms.

So far it has been easy. In respect of the River Murray, even the most disparate elements of the South Australian community have managed to sing in unison from the same hymn sheet. Indeed, it has been possible for both me (when minister) and the minister to say publicly and honestly in the face of this nation that South Australia has one voice on the River Murray. Incidentally, that has never been, and will never be, a government voice: it is a South Australian voice.

The recently held River Murray Forum, with its diversity of participants and multiplicity of observers, was eloquent testimony to this contention. The minister, and those of my colleagues who were present, will recall that I pledged the continuing support of Her Majesty's opposition for any and all government initiatives which were embarked upon in the best interests of the resource. However, I did carefully reserve the right to constructively criticise methodology, programs and timetables for remediation and the application of resources, especially funding. Today, therefore, and this bill, therefore, marks the first step in that process. I quote the words of the minister in his second reading speech, as follows:

> The Labor Party went to the last election promising to take bold action. Today, I honour that pledge.

Clearly, by the minister's own words this is the ALP political answer. Political answers to social, economic and environmental problems, however laudable, must run the political gauntlet of constructive criticism, analysis and amendment by both houses of parliament. Therefore, such must be and will be the case with this bill. Pivotal to any consideration of this bill is the question posed by the minister in his second reading explanation: why a new act for the River Murray?

It is important that this house understands that in many very real ways the government leadership on this issue is delicately poised. We are aware of calls from the media and from knowledgeable interest groups, both within South Australia and beyond its borders, that they consider that South Australia to be long on rhetoric on the subject and short on action. That is a criticism that has not just been levelled at this government, but it appears to be increasingly strident. Increasingly, we are being told that it is time that we did something.

For the record, from the time that premier Olsen created a new Department of Water Resources and brought together for the first time in the history of South Australia all the sometimes competing public sector interests responsible for various aspects of the resource and asked me to be the first minister for water resources, the following constitute the record of our accomplishments. First, premier Olsen insisted on and succeeded in having the issue listed and discussed as a priority issue of the Council of Australian Governments. Secondly, building on the important work of minister Wotton, the River Murray catchment management board's area of authority was expanded to more accurately define the catchment boundaries in South Australia.

The Hon. J.D. Hill: Who recommended that?

Mr BRINDAL: I would remind the minister that it does not matter who recommends what in the term of a government; the government takes all credit, as is most evident under this government, which very quickly claimed credit for a whole lot of projects that were actually started under a previous government.

Ms Breuer interjecting:

Mr BRINDAL: The poor member needs to be out doing a bit more door knocking: she lost half of her majority in the redistribution. I need to tell the honourable member, by way of sidestepping, that I will be up there helping her, doing all I can in Whyalla, knocking on doors, doing all I can to say, 'This is a good local member.'

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

Mr BRINDAL: I am mindful of the fact that, while she is a friend of mine and I am loyal to seeing that she remains in this place, I must nevertheless decline her kind invitation to go to Coober Pedy. Any sort of theatre that has under the screen at the drive-in, 'Patrons are respectfully requested not to throw dynamite during the screening of films' is not a place where I would feel very comfortable! Also, it is a place that habitually, after the hotel closes, actually hoses out the front bar, and again that is something that I do not find—

The ACTING SPEAKER: Perhaps the member for Unley would like to return to the bill in question.

Mr BRINDAL: I was taunted by those opposite, sir: I do apologise. Thirdly, the Qualco Sunlands bill for the Qualco Sunlands groundwater drainage scheme was passed, and the project has been constructed and completed. Fourthly, the design for the enclosure of the Loxton irrigation scheme was completed, the project funded, the work started and, as we speak, the enclosure of the last open channel irrigation supply scheme in South Australia nears completion. Fifthly, research analysis and negotiations were undertaken in respect of the vitally important rehabilitation of the Lower Murray swamps, and the necessary state moneys budgeted. Indeed, the whole project was ready to be signed off as we left government. It is lamentable, as has been referred to by some of my

colleagues that, more than 12 months on, this government has only succeeded in going backwards.

Members interjecting:

Mr BRINDAL: It has. Members opposite express their disappointment, and I do not blame them. They are a loyal backbench over there, but they are being led by people who are taking them backwards. We were ready to sign an agreement, the money was supplied, and it is going backwards. I am glad that Hansard is recording just how disappointed they are in the actions of their government. We will seek—

Members interjecting:

The ACTING SPEAKER: Order! The member for Torrens has the call.

Mrs GERAGHTY: On a point of order, the member for Unley made some comment about members on this side being disappointed. We are disappointed in his contribution.

The SPEAKER: There is no point of order.

Mrs Geraghty: Stick to the facts, Mark.

Mr BRINDAL: Then the facts are that not only has the work not yet been done, but it is also highly likely that there will be at least a further year's delay before the parties can agree, and the member for Norwood knows that because she is privy to the same information as that to which I am. That must be a disappointment as much to the member for Norwood as it is to me. Forget the games: it is disappointing. That work needs to be done and those swamps need to be fixed. It was her leader, as leader of the opposition in this place, who stood up in this place and said, 'This is the biggest problem we have: this is the thing that most needs fixing.' We still have another 12 months before we get it off the launching pad.

Sixthly, and most importantly, the $100 million proceeds of the sale of Ports Corporation was not used as all other money had been used, to retire state debt, but was predicated as this state's contribution over a seven year period to the national action plan and, indeed, South Australia was the first to sign up to that scheme. Giving credit where credit is due, I do not deny that the government continues to implement that scheme, nor to implement other parts of the scheme, such as the catchment management board funding and various other things which we have put in place. This list that I have provided is by no means exhaustive but, in the interests of brevity and of the time which the debate will take, I give only a few examples to point out that the Liberal government did oversee a ministry involved in not just rhetoric but also action.

I make this point because, more than 12 months after the government's assuming the Treasury benches, I can see not much more than rhetoric and little action, as we speak, over the River Murray. That point is germane to this bill because, without massive resourcing, this bill is little better than window dressing. It is another paperweight that enables the Labor government to confuse South Australia about what they said they could do in comparison with what they actually did.

Ms Ciccarello: Let's talk about the TAB and the wine centre, and various other things where money has been lost.

An honourable member interjecting:

The SPEAKER: Order!

Mr BRINDAL: Members opposite interject and accuse me of a degree of cynicism. I hope that I am not cynical, but I cite as the cause of my concern comments made by the Deputy Premier of South Australia, not in some throw-away line in the *Advertiser* or on radio but in a response which he gave to this house yesterday and which members opposite heard him give. I quote his comments as recorded on page 2424 of *Hansard*:

> In relation to work required to fix the Murray, the Leader of the Opposition said:
>
> 'The capital cost would be huge. It would cost hundreds of millions of dollars to change the present system.'

With the greatest deference to the leader, that quote says much more about the member for Hart's ignorance than it does about the leader's knowledge. What the leader said was hardly rocket science. It was the unchallengeable evidence presented to the select committee on which the minister and I both sat, and on which the member for Norwood sat. It is a statement routinely referred to by the Chief Executive of the Murray-Darling Commission, Mr Don Blackmore, and many experts in the area. Indeed, that statement might be described as part of the agreed body of fact. Yet the Deputy Premier went on to portray the statement as involving the pledge of hundreds of millions of dollars from a future Liberal government. I want it on the record that South Australians can only hope that it was, and I will be doing my part when we approach the next election to ensure that that pledge is part of a future election of a Liberal government.

But, as to the further barb of the Deputy Premier that the opposition has to say where the money is coming from, I can only say: I hope not. If he does not realise that progressively—and I mean progressively starting from the next budget—he needs to apply this type of funding to the remediation of the river, something must be profoundly wrong with the communication within the South Australian cabinet. I have no doubt at all that the minister sitting opposite me tonight not only knows that but must be arguing that in cabinet, and what worries me—

Mrs Geraghty interjecting:

The ACTING SPEAKER: Order!

Mr BRINDAL: The member opposite asked me to talk about the Nildottie pipes. I was trying to remember what the Nildottie pipes were. Not everything that happened when I was the minister am I proud of. I am quite sure that not everything that happens while Minister Hill is the minister will he be proud of at the end of it. We live in an immensely complex society. This legislation seeks to fix it up. If this legislation can in some way fix up things that happened while I was minister that I did not like, I say 'Bravo'. I am not proud of everything we did; I am not ashamed of everything we did, but that is life. It is generally a matter of balance. Perhaps, having been distracted for about 90 seconds, I will now get on with my speech.

Quite seriously, it is a worry when the Deputy Premier says this, because the minister in his second reading speech said:

> It is clear that the River Murray needs more protection than legislation can give.

Again it needs a concerted effort. It is no good for the cabinet, the backbench opposite and this side of the house to back up this minister and say, 'Isn't it great, we have a new act of parliament without the Treasurer and his ministerial colleagues giving him exactly what he needs to start putting some of this'—

An honourable member interjecting:

Mr BRINDAL: No, I will not say 'rhetoric' because it is a bill, but it is a bill that is hollow without the ability to implement other matters. On this point, I refer to Graham Harris in his address to the World Water Congress in Melbourne in the year 2000 in which he said:

> If we are to be Y3K compliant—given the not so impressive record of the last thousand years—

the minister will note that I do not attribute all the blame to him; I do give him 1 000 years—

> then we need to invest more in environmental science and water science in particular.

Don Blackmore argued that money on the ground is not enough. What the community is saying is: we want several things. We want knowledge; we want institutional and community capacity built up; we want structures that work, government resources in natural resource agencies, all of that; and we want money for on the ground action. And we do not want money for on the ground action without the others. The view that the simple solutions are on the shelf is just wrong, they are not out there.

Yet all these asks translate into still more funding, and the question remains: 'Where is the money coming from?' It is not a question for the Deputy Leader to taunt the Leader of the Opposition with: it is a question for the Deputy Leader in his capacity as Treasurer to answer for this house. It is a problem to which he must find a solution to support the minister so that this house can support this bill. With that necessary background, we—

Members interjecting:

Mr BRINDAL: No, sort out whether or not she will speak and then I will work out what I have to say. Are you going to speak, Vini?

The ACTING SPEAKER: Order! It is not for the minister to decide what the speaking list will be for the government.

Mr BRINDAL: I am a bit confused, Mr Acting Speaker, I thought it was for all members of this house to rise, I did not know there were speaking lists or that the minister determined who would speak on the government side.

The ACTING SPEAKER: Whatever the case, I would encourage the minister to return to the bill in question.

Mr BRINDAL: I will, thank you—

The Hon. J.D. Hill: The former minister.

The ACTING SPEAKER: The former minister.

Mr BRINDAL: As minister, I would love to do that—

The ACTING SPEAKER: The shadow minister.

Mr BRINDAL: Can you please arrange for the salary to be credited to me as of the first of next month?

The ACTING SPEAKER: A Freudian slip.

The Hon. J.D. Hill: If you were the minister, this would be the greatest bit of legislation ever seen in this parliament, I am sure.

Mr BRINDAL: I must get on the record that the minister has just described this as 'the greatest legislation ever seen'—

The Hon. J.D. Hill: No, I said that, if you were the minister, you would be saying that.

Mr BRINDAL: I probably would, but it probably would be because it would not contain the fundamental flaws—

The ACTING SPEAKER: Order! I think there has been enough banter across the chamber.

Mr BRINDAL: Yes, sir. I will be guided by your sternness. With that necessary background, I will return to the nature and intent of the bill. Let me say from the outset that the Liberal opposition supports the intent of the bill. However, in discussion with my colleagues and from listening to their debate thus far, it is obvious that much is to be questioned and much to be explained. Hopefully, when the bill leaves the committee stage, this parliamentary process will result in much improved legislation leaving not only this house but this legislature in general.

The problem for this house, and hence the problem inherent in the bill, is that, while we can set in place more intelligent governance for the South Australian sections of the river, the water with which we deal is, in fact, subject to the regimes of two other states, a territory and, beyond the jurisdiction of the River Murray-Darling agreement, a corporatised electricity generation entity.

In that respect, I remind the house of an interchange between a very canny South Australian premier and the then prime minister of Australia, Sir Robert Menzies. The exchange took place at a meeting between the premiers and the prime minister in 1958, just two years after the record floods referred to by the member for Goyder in his contribution. For the member for Goyder's benefit, experts predict that it is highly unlikely that we will see a flood of that extent again—perhaps not even in the lifetime of anyone in this chamber.

An honourable member interjecting:

Mr BRINDAL: Yes, the 56 club. There was a unique confluence. The summer rains in Queensland were particularly unseasonal and came early, pushing the Darling into flood, and the Great Dividing Range had experienced an exceptional snow and thaw. So, the combination of a larger than usual flow from the system to the east meeting, at the Darling junction, a most unseasonal flow from the north resulted in absolute maximum stress on the system and a flood the like of which is not likely to occur in a lifetime. Whilst I agree with the member for Goyder that, once we have salvaged the human cost, the environmental effect of such an event would be to cleanse the river, but that is not likely to occur.

However, at the time at which the exchange between Sir Thomas Playford and Sir Robert Menzies took place, South Australia was taking an action in the High Court against the commonwealth and its powers to build the Snowy Mountain Scheme. Members might ask why a premier of South Australia would take an action against the Snowy Mountain Scheme, and the answer is over water. Sir Thomas Playford was worried about water. At what must have been quite a tense ministerial conference, the main beneficiaries of the scheme, being New South Wales and Victoria, were arguing that the new Snowy water would fill the Hume Dam and not affect South Australia's water allocation from the Murray. Sir Thomas reported:

> Now that they know there will be additional amounts of water, I have not the slightest doubt—and I do not offer any criticism in this regard—that they will develop their use of water much more extensively. I do not accept for one moment the argument that, because more water will be coming in, there will be less likelihood of restrictions. Why are we arguing about water?

The prime minister spoke next, as follows:

> Could I try to put your view in my own words to see if I am clear on it? The level of the Hume will not necessarily be enhanced by the inflow of the Snowy and might, in fact, be reduced by heavier consumption lower down and, in those circumstances, the periods of restriction may not be less frequent but, conceivably, more frequent.

'Yes,' endorsed Sir Thomas. Shortly afterwards, the prime minister took the conference with the ministers into camera, politely suggesting—and the public servants who may read *Hansard* may be very interested in this:

> Do you think it might be useful just for half an hour to have a look at this without the presence of other people? I ask this because there are some political angles involved, and I never like to

embarrass distinguished civil servants by introducing them into political arguments.

I might say: haven't times changed! But, sir, because of that interchange the High Court actions were discontinued and, as a result, some gains were made through the Snowy agreement which, in fact, sets out water allocations and security post the Snowy scheme construction and which has resulted in the system of entitlement flows South Australia currently enjoys and which has just been commented on by some of my colleagues. And luckily it happened because, as we have seen in the last few years (because of a rekindling of environmental debate) there has been quite heated debate about the nature of the Snowy River and the argument, of Victoria in particular, to return water to the Snowy River.

In this respect South Australia has much to thank Senators Minchin and Hill for. Senator Hill worked quite hard to delay and to get the best he could for the River Murray as Minister for the Environment and as a South Australian; and Senator Minchin who, while he wanted to get a workable deal through, nevertheless was conscious of the interests of South Australia in so doing. However, the problem was that New South Wales, and Victoria in particular, were hell-bent, and Victoria did not let Canberra or the suggested figure of 15 per cent flows distract it. In October 2000, the state reached a momentous decision with New South Wales—which was later endorsed by the commonwealth—that 28 per cent would be restored to the Snowy with 21 per cent back within the next decade.

It is true to say that the media lapped up the announcement. 'Champagne flowed on the dry river bed', was the caption beside the picture of Bob Carr, Steve Bracks and ACF President Peter Garrett just below the Jindabyne Dam. Peter Garrett hailed the decision as a symbolic step forward for all Australian rivers and Tim Fischer rejoiced, 'We are undoing four decades of environmental damage and community anguish over the impact of building the scheme. There were some people in tears yesterday when they were being briefed on the agreement.' The beauty of the decision, according to its makers, was that no-one would lose.

Water would come from efficiency savings from irrigators on the Murray and Murrumbidgee. The state would put $300 million into an independent body which would oversee the purchase of 65 gigalitres of water efficiency savings. Victoria and New South Wales would share the cost of reduction in power generation but, interestingly, the cost of buying water would be split 50/50, notwithstanding the original 75/25 split in water usage. 'It's probably cost the Victorian government more than it would have liked,' admitted Craig Ingram, 'basically because it reflects the commitment of Victoria to resolve the issue.' But, after all this agony, there was something almost too perfect about the result.

The one nagging question, which does bear on this bill, was this: in the months leading up to the decision, the idea of water from efficiency savings had been dismissed time and again as unachievable. Now, suddenly, the public line was not that it was unachievable but that, indeed, someone had made a mistake because these savings were now the solution. In case anyone was in doubt, Senator Minchin reminded them that, 'Flow levels in the River Murray will not decrease; these savings would need to be found first'—and I quote this because this house needs never to forget this—'before the environmental releases through the Snowy are made.'

That was what Senator Minchin said; that was the deal we signed up for; and before the last election, before there was one jot of savings made in water efficiency, Victoria had somehow started to put water down the Snowy on the grounds that it claimed it had borrowed from some bank in the Snowy Mountains. And, so, despite what Senator Minchin said, despite the assurances given to this parliament and this state that no water would be taken out of the Murray, that no water would be removed until the savings had been made, by some sleight of hand water has come admittedly from the Snowy scheme and is now being used to augment the Snowy before they have achieved any of the water efficiency savings. If that is not duplicity or dishonesty and not political chicanery, I would like to know what is. If that is not cheating the people of this state and the people of the commonwealth of Australia, whose beneficial good all these waters are, I do not know what is. If that is what it takes the Victorian government to get re-elected, I have one thing to say: shame. I hope that history records what blackguards they are for what they have done.

The 21 per cent clawback in the first 10 years was to come from efficiency savings, with the other 7 per cent to come from largely increased farm efficiency. At $300 million, it is easier to go out and buy the water and in so doing they would force up the price of water and the cost of savings everywhere else. We come to a problem in this bill, which is not how South Australia manages the water but how South Australia works with other states and territories which each have their own political needs, their own competing interests, to work in a better way to manage the waters of the entire system. In that respect there are some good aspects of this bill. I am not sure whether they are unique to this bill, which is why we will question the minister extensively in committee. The idea that you can go interstate and work on agreements with, I presume, rice farmers, cotton irrigators and all sorts of people to manage their land better, that you can pay them or reward them in some way and manage the water in South Australia better not by managing them within our borders but on the way to our borders, is a very good concept.

To go on with another point, I understand that central to this bill is the duty of care not to harm the river. One of the dilemmas the opposition and this parliament will face—and the minister may be able to answer the question—is exactly what that means. Arguably since the 1940s we have not really got a river any more but the longest reservoir on the face of the planet. What we see is not a river but a managed waterway. It is in many ways akin to the Florida Everglades where, by the time they realised they had done harm, it was totally inconceivable that the problem could be redressed through any normal means. They have very carefully, and almost brilliantly, using the best models and methods of modern engineering, re-engineered an environment that best mimics the natural flow of waters.

They built causeways right across and stopped natural systems. They found out that in a particular flooding cycle a whole lot of the organisms bred, because when the water flooded in one part the water in another part rose about two centimetres about three weeks later, and that fed a number of breeding cycles. Knowing there was a great causeway and they could not raise the water by releasing water in the natural way, they simply put computers and computer models in place to trigger valves, gates and pumps and literally engineer the water in a way that nature originally intended it to flow. In that way they have restored some measure of pristine health back to an environment that was totally

degraded, not by returning the everglades to their natural condition but by re-engineering a mimicry of the natural system.

So, when we talk about a duty of care to the river in the context of this legislation, what are we talking about? Are we talking about a duty of care to a system which is long gone and which can never be replaced without absolute and complete detriment to this nation, or are we talking about the best mimicry we can come up with to preserve such parts of our natural environment—the flood plains, the wetlands and the habitats—as need protecting, and then how do we do it? I pose that question to this house because, depending on which way we handle this question, the answers will be two profoundly different answers. No more is that evident than in the Lower Murray lakes. If I was to ask members of this house or members of the select committee, 'Should we build a weir at Wellington?' there would be a huge divergence over that one simple question. Some members of this house will march to the barricades, saying, 'Yes, build a weir at Wellington.' Indeed, the Speaker is well known for his support of such concepts. Others say everything from, 'It's arrant nonsense,' to 'We just don't know.' There is a divergence of opinion.

If the object of this bill is to restore the health of the river system, why do we allow one barrage to stand? Quite simply, the health of the Lower Murray lakes and the Coorong is well documented, and the barrages were not put in place until 1940. In 1940 it was a vast estuarine system whose productivity to the fishery in the area in economic terms was $13 million. The productivity of the fishery in the area today is $1 million. That says something about the loss of diversity of species and the change of habitat by putting the barrages back. I pose the question to this house: if our duty of care is to the river and to the natural environment, does that mean that the minister will promptly pull down every barrage and restore the situation exactly as it should be to an estuarine environment? If the answer is 'Yes,' I hope the member for Finniss is listening in his office and will come racing down here, because I know what Goolwa will think about the lakes there being wetlands. I know what the dairy farmers of Milang and the grape growers of Langhorne Creek will think about that being an estuarine area.

I also know—and members opposite will realise this—that that act, while it might not be popular with segments of the community, might save the Murray Mouth from ever needing dredging again. What kept the Murray Mouth open through drought and through flood—but mainly through drought—was the fact that, while there was no water flow going out of the river because of water coming from the Great Dividing Range or from the Darling, on a daily basis huge quantities of water acting like a great bow saw pushed their way into the lakes, evaporating or then rushing out on the ebb tide. It was like a raft rushing in and out, because there was a great tidal prison that was that whole lower lake system. What we did in the 1940s was constrict a great tidal prison into a narrow little estuary and not enough water rushes in and out, the consequence being that, if there is not enough flow coming over the barrages, the lakes tend to silt up. That is exactly what has happened.

If the object of this act is to be a duty of care not to harm the river, what does that mean? If it is a duty of care to best select, mimic and manage the natural resources we have left, what does that mean? What is the difference, and who plays God? I do not mean that disrespectfully. Who chooses what it is we should save, preserve and conserve?

An honourable member interjecting:

Mr BRINDAL: The member for Coles quite intelligently says that it is the minister. We had the Premier today claiming that he was going to turn salt water into fresh water—and I am not quite sure whether he will walk across it—and then back to salt water. Four hours later, we have another minister coming in here saying that he will be the great saviour and the sole arbitrator of what the new environment should be, because quite clearly we cannot restore the whole environment. Additional to that is the concept (of which the minister would be well aware) of the way in which this place and every other place under the Westminster system operates—and I appeal to the member for Mitchell on this matter, because he is an intelligent man and understands this—

An honourable member interjecting:

Mr BRINDAL: No, it is a really important point. I refer to the concept of the Crown as a model citizen. As I understand it (and I want to question the minister on this in committee, and I hope that I am wrong) the duty of care to the river will not bind the Crown, nor its instrumentalities, nor its other emanations—that is, local government. So, neither the Crown in any of its forms nor the Crown in its instrumentalities will be bound by this act. Yet the purpose of this act is to protect the river. I would like to know, if the Crown is not prepared to abide by this act, how is it that the Crown asks this parliament to pass an act which it will not itself be bound to but which it expects all its citizens to be bound to? I do not see that as conducive either to the concept of the Crown as a model citizen or to the way in which a parliament and the government should act. If we want the river preserved, enhanced and protected, the first instrumentality, the first agency, which should lead the way and show by example that it means business is the Crown. If the Crown cannot do that, there is something very wrong.

I was told when I took some preliminary advice (and this is why I am asking for the member for Mitchell's help) that the Acts Interpretations Act somehow ensures that the Crown must be bound by the act, even though the act does not seem to say that the Crown is bound by the act. That is what I want to question this minister about. If this act does not bind the Crown, either in this place or in another place, we will certainly see that we move an amendment to make sure that this act does bind the Crown. To tell the people of South Australia that we should bind them to something to which the Crown itself will not be bound is unconscionable, and I do not think it is the act of a decent government in a new millennium.

The member for Heysen pointed to the circular arguments in the definition and, again, we want to carefully question those matters. The member for Norwood would be interested in this—and I hope that she was listening to the member for Heysen. There is a whole lot of confusing stuff in this bill. First, there are objects and then there are objectives. Not being a lawyer (and the member for Norwood not being a lawyer), being a rather simple person, I went to a dictionary—

Ms Ciccarello: You might be simple; I'm not!

Mr BRINDAL: Sorry, I forgot the member for Norwood is learned, and I did not mean to put her down by suggesting that she was simple. We are just ordinary folk who understand ordinary folk and work through simple, intelligent principles. I meant that we are not lawyers, for the benefit of the member for Norwood. I went and looked up what objectives were and what objects were. I do not know

whether the member for Norwood can tell me the difference between an object and an objective, but I could not understand it. Then, as the member for Heysen quite clearly said in her contribution, we have the River Murray system and the River Murray, which are variously defined but mean the same thing. So, we have this great circular trail of definitions that end up like the snake with its tail in its mouth: if you keep following the trail, you end up exactly back where you started from and—

Mr Goldsworthy: A snake?

Mr BRINDAL: Yes—no, snakes and ladders are all downhill. We should not introduce snakes and ladders, because the member's father told me that he used to cheat at snakes and ladders. I do not think that we should point that out to the house.

Mr Goldsworthy: Is that right?

Mr BRINDAL: Yes—no, it is an outrageous lie, but it will do! I will not deal any more with the circular argument or with the snakes and ladders. Something else that was commented on by some of our members, which we think really does need to be seriously explored by all members of this house, was the powers of the minister. Under this act, the minister is vested with extraordinary powers. I had a conversation with someone (and I will not detail with whom, because it would be a breach of a trust) who said to me, 'When you were minister, you would have loved this act. It would have been what you dreamt of.' I think (if I am quoting myself correctly) that my answer was,' No, I wouldn't. This is too powerful, even for me'—and I might have liked sometimes to have exercised a little ministerial discretion. This act confers extraordinary power on the minister, and it extends extraordinary power over colleagues with whom he sits around the cabinet table. So, with respect to any one of a number of areas in a matter concerning the river, or its anabranches, tributaries, wetlands—

An honourable member: Or its cultural resources.

Mr BRINDAL: —or its cultural resources, and 500 metres therefrom, and all its protection zones and everything, one should look at the maps. Look at the Adelaide Hills and see how much of the Adelaide Hills is, in fact, covered by this. If this minister were minded, he would do what I would do: at the conclusion of this act passing this parliament I would get up, leave the parliament and set up a principality in Renmark under the authority of this act, because he can do everything. He does not need the parliament or any other ministers; he can just get out and run the whole show.

The Hon. J.D. Hill: Unley is part of the River Murray catchment, isn't it?

Mr BRINDAL: See? He has already taken over my own electorate of Unley, so I am even more worried; he just admitted that by way of interjection. Just sort out our flooding in another debate, and that will be appreciated. Without being too flippant, the point is that this act confers extraordinary powers on the minister in many of its aspects.

The Hon. D.C. Kotz: Entering into land.

Mr BRINDAL: The member for Newland reminds me that he also has the power of entry into land. If in the interests of the river he wants to override the ministers for planning, agriculture, mining or transport or any other minister, he can do so. If they disagree with him, as I understand it, the dispute resolution process is that the aggrieved minister can ask for the matter to be adjudicated in cabinet.

Mrs Redmond interjecting:

Mr BRINDAL: This is where it will be a lawyers' breakfast. The member for Heysen says that it is for statutory instruments but not for statutory authorisations. Whichever way it turns out, if everything is allowed to go into cabinet, why have the overriding authority? What will happen in each and every case is that the ministers for planning or the River Murray will not argue unless they believe in it, in which case there will be a disagreement; it will be taken to cabinet and resolved there. That is the standard process of cabinet with any government of any persuasion. If two ministers disagree, the cabinet resolves it, so I do not see why we need to set up a potential conflict between this minister and his fellows, only to have the cabinet do what it routinely does every day of the week.

The next question that arises is how the minister will develop the expertise to better guess those who already have the expertise. If it is a planning question, the planning expertise of the government resides with the minister for planning and all his authorised officers.

Mrs Hall interjecting:

Mr BRINDAL: A former Minister for Tourism, always renowned for her taste, interjects, 'Maybe the minister has better taste.' I am not sure whether planning issues always come down to taste; I know tourism issues certainly do, and he will probably be mindful to override the Minister for Tourism, because I am certain he has better taste than the Minister for Tourism. The question remains: what will he do? If he wants to override the minister for planning on a planning issue, where does he get his expert advice? Does he go to the planning silo already run by the minister for planning and ask the planning public servants, 'What do you think about this planning issue?' I know what sort of advice they are likely to give. Or does he have in his department a number of planners? If in his department he has a number of planners, does he also have a number of mineralogists and agricultural and fisheries experts? Does he build in his department—

An honourable member interjecting:

Mr BRINDAL: Aboriginal affairs, heritage and so we can go through every portfolio; does he build in his department a new area of expertise?

Mr Scalzi interjecting:

Mr BRINDAL: No; I am not suggesting to the member for Hartley that he is out of his depth, but I am suggesting that he might be over his head in empire building if that is what he needs to do. If he does not get his own experts, from whom does he get expert advice? I think the minister missed the interjection from the member for Coles, which was that it is fine to entrust it to the minister, because he has better taste than the Minister for Tourism, so we should trust you.

The Hon. J.D. Hill: What? That's a bit rough!

Mr BRINDAL: No, it was not at all. So, it comes down to this—and I will wind up my remarks: the opposition supports this bill but, as the member for Stuart said in his very intelligent contribution, it does not support this bill without qualification. The opposition does not support this bill without questioning and there are aspects of this bill that we would urge the minister to keep considering and to perhaps reconsider, because we are not sure of all the implications. Quite frankly, some of the answers that we have got from the minister's professional staff, not his personal staff, lead us to wonder whether they understand all the implications, too.

That is not a criticism of them. This is a profound new bill. It seeks to do something in an entirely different manner and, in many ways, I acknowledge the government's contention that it is groundbreaking. But with anything that

is groundbreaking, we are most sensible to make haste slowly. Something as new as this runs the risk of making some profound errors and, therefore, it needs to be questioned and thought through, and we must proceed cautiously at all stages. That is why I hope that the minister will be minded to accept an amendment proposed to the committee structure. We support the minister in establishing a committee, but we believe that, because of the minister's own conviction on another matter, that is, Waterproofing Adelaide, and because of the reliance of this city—

The Hon. D.C. Kotz interjecting:

Mr BRINDAL: The member for Newland says it was my idea but I am far too modest to claim credit for that in the house. I will just make sure the interjection is recorded.

The Hon. J.D. Hill: Mike Young's idea—let's say whose idea it was!

Mr BRINDAL: No, the minister and I can argue about who had the idea. We are not going to give it to someone other than us! The Waterproofing Adelaide idea and, to an interrelated extent, the need of South Australia's water resources, whether it be Eyre Peninsula, the Upper Spencer Gulf regional cities or the Upper South-East, is all dependent on the river, and we think that it makes sense to have a standing committee of this parliament that is directed towards not just the River Murray but water resource management as an interrelated entity.

The minister may say that we already have the ERD Committee, which is true, and in my own party room this morning the question was raised as to what we should do about the Public Works Committee, because that committee, of which the member for Norwood and I are members, is interested in water management issues as they pertain to building design, building form and better utilisation of water. I put to the minister that it does not matter whether there are two, three or four committees that have an interest in water. The more informed this house is on water, the more work that is done by committees of the parliament for the minister, on the minister's behalf or questioning the minister, the better.

The Hon. J.D. Hill: The bill is not just about water.

Mr BRINDAL: I understand that the bill is not just about water, and I am suggesting that this committee on water resources, because we have to call it something and there is the ERD Committee—

The Hon. J.D. Hill: Would natural resources be better?

Mr BRINDAL: Well, if the minister wants that. I suggest to the minister that, because this bill deals with a water focus, it be a ministerial committee on water resources. When the minister brings in the NRM bill, which I am sure he will do fairly shortly, that would be a logical time to rename the committee or change it slightly. I just think it is a—

Mr Hanna interjecting:

Mr BRINDAL: It does not matter. It is a chicken or egg argument. If this house says it should be a natural resource management committee, that is fine. I will be guided by the member for Mitchell and the minister. I am more interested in the concept of the committee than its name. I am interested in its concept because, while the minister is a very modest person and does not want to enjoy unfettered power, I am sure he would not be averse to sharing it with another parliamentary committee, answering to them and being accountable to them, as he always has been. One of his great virtues as a member of parliament—and I will put this on the public record—is his ability to work in committees and to contribute to committees. When he was shadow minister, he was a member of the select committee. Without being uncharitable, the minister could have just sat there, as would some of his colleagues—

Ms Rankine: They did not.

Mr BRINDAL: No, not on that committee. I said as would some of his colleagues—which they did on other committees.

Ms Rankine: But not on that committee.

Mr BRINDAL: No; on other committees there were Labor members who spoiled, criticised and carped.

The Hon. J.D. Hill interjecting:

Mr BRINDAL: How can I say it? I can say it quite easily. I refer the minister to the minutes of the Economic and Finance Committee. Does the minister want me to list the committees where Labor people were spoilers and despoilers and all sorts of other things? To return to the point: on that particular committee the minister was exceptional, as were other Labor members. We had an exceptional—

Ms Rankine: There was only one other Labor member.

Mr BRINDAL: I was wondering why the member was vigorously trying to raise her own flag. I was actually talking about the River Murray select committee and there was only one other Labor member; in fact, it was the member for Norwood.

Ms Ciccarello: And the member for Mitchell.

Mr BRINDAL: Yes, the member for Norwood is quite right, because the member for Mitchell was then a member of the Labor Party. I did not know why your colleague was so vigorously defending you by saying how good you were. I could say that of the member for Norwood, and I often do. She and I are unique members of one faction: a cross party faction which has only two members—the member for Norwood and me, and we defend one another vigorously. As I have said, the concept of parliamentary oversight is important.

The Hon. J.D. Hill: The member is meandering like the River Murray.

Mr BRINDAL: No; I am about to conclude. The only other point I want to make on behalf of the opposition is that the act—and the minister has alluded to this, and we are not convinced that it achieves it—needs to actually balance environmental need with sustainable human need. I acknowledge that environmental need is indispensable, but whether the chicken or the egg comes first in this sort of legislation is actually a fairly important argument.

The river serves environmental need and human need, but I do not know whether you could say that if one is served the other is necessarily always served in the same order. That is a question that needs to be answered for this reason. I would like to finish by quoting Sandra Postel in her 1999 book on irrigation entitled *A Pillar of Sand* where she says:

> The role of irrigation in the rise and demise of civilisations over the last 6 000 years is much more than a historical curiosity. On the cusp of a new millennium, human society is now as dependent on the ancient practice as ever. At the dawn of the modern irrigation age, in 1800, global irrigated area [constituted a total of]. . . 8 million hectares, an area about the size of Austria; today, the irrigation—

we are now talking about the years between 1800 and 2002—

> base is 30 times larger, encompassing an area 2.5 times as large as Egypt. We now derive about 40 per cent of [the world's total food protection]. . . from irrigated land.

According to the same book, one in five hectares of irrigated land worldwide is losing its productivity because of salinity problems. So, 40 per cent of our agriculture—40 per cent of all that the world consumes—comes from irrigation. Yet

20 per cent of that resource is being lost because of salinity problems. Inevitably, cities are driving the irrigation problem.

Peter Cullen, who is known to many in this house as an eminent scientist, talks about reducing the agricultural footprint, yet that footprint belongs to every one of us. The milk, rice, tomatoes and cotton are not grown for people in the Riverland: they are grown for us. I quote further from the book:

> As Max Fehring pointed out, it is also the city footprint that is threatening. 'Here we are building cities and expanding on our best and most fertile areas. We say we'll just get the stuff from elsewhere, we couldn't give a stuff about how water is handled in another country.'

This is not to apologise or make allowances for irrigation. But there is no point in walking away from it. We are all part of a problem. If we all are part of the problem, we all are part of the solution—members of this house; no less than people in their backyards at Henley Beach, Unley and Norwood; South Australians no less than irrigators. I continue:

> 'Like it or not,' one irrigator explained, 'in rural Australia farmers are the real environmentalists, because vandals or caretakers, they are the ones managing the land on a day-to-day basis.'

I conclude by commending this bill to the house and urging every member, no matter how long it takes or how late we sit, to examine it carefully and to make sure on behalf of every generation of South Australians—those here and those yet to come—that this house passes this historic act for the betterment of South Australia and the management of its land into a new millennium.

Ms CICCARELLO (Norwood): Having just listened to a very extensive dissertation and history lesson from the member for Unley, I am glad to hear that the opposition supports the intent of this bill. As we have been saying for several years now, the health of the Murray is the most important issue facing South Australia. Like the member for Unley and the minister, I was also on the River Murray select committee. We spent some 18 months looking at issues concerning the river and travelling the length of the river to see how it was being managed. We saw some very good management practices, but we also saw some very bad management practices.

The shadow minister has asked some questions about the bill and its intent, and he asked who will play God in the decision-making process. I guess it will be this house that will come up with a final bill that will be in the best interests of the health of the river. Some of the issues raised included why this minister would want to be responsible for planning issues. When we were travelling the length of the Murray, we saw that each council had different regulations in place: there was no consistency as to what was happening along the river. Even for that reason alone, we should have consistent planning practices so that exactly the same thing is happening on one side as is happening on the other side and that it is being properly managed.

Questions have been asked about the dredging. Some people have said that the dredging of the mouth has been a good thing; others say that it is a waste of money. We have to look at the pros and cons and, hopefully, come up with the best solution for the river. The issue of the barrage at Wellington has been raised. Is that a good or bad thing? That is something which will be debated at length. I commend the minister for having had the foresight to introduce this bill. I remind the member for Unley that the minister (as the member for Kaurna) raised the issue of establishing a select committee to look at the Murray because of concerns raised. At the time he was accused of engaging in a political stunt. When talking about history, we need to ensure that we consider all the facts. With those brief comments, I commend the bill to the house, and I am sure that many questions will be asked in the committee stage.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. D.C. KOTZ (Newland): I support the bill. We have had contributions from our lead speaker, Mr Mark Brindal (member for Unley), and in those contributions the honourable member has identified the opposition's in-principle support for this bill whilst also identifying certain quite significant areas within the bill that will deserve the questioning of the opposition in committee. I commend the member for Heysen, who has in her contribution also identified some of the significant areas, which I will not cover at the moment, because the member for Heysen has taken issue with many of the questions that will be dealt with through the committee stage of the bill.

I want to make a couple of points about our water resources. First, South Australia has come to rely considerably on water resources that are shared with other states. These include the River Murray, the Lake Eyre Basin, the Great Artesian Basin and ground water resources in the South-East. As the state downstream of all these, South Australia quite obviously is vulnerable to impacts arising from developments in other states. This, of course, should be a key strategy issue for the state, and South Australia should be committed to the ongoing protection of its interest in those resources through effective partnerships with the upstream states.

Secondly, I think we would all acknowledge that we have seen an important shift in our approach to water resources use and management over the past decade or so. A study of water and the Australian economy, undertaken in 1999, examined the role of water as an input to the national economy, and found that if today's water use arrangements were to continue over the next 20 years, the water needs of industry would outstrip water availability. The need for irrigators to improve efficiency is then far more than just academic. If we do not continue to improve the efficiency of our water use and delivery, the water will simply not be available to service growth in our irrigated industries.

I would suggest that all members in this chamber are well aware of the plight of the River Murray: the declining water quality, increasing stream salinity, algal blooms, the collapse of native fish populations, the closure of the mouth of the Murray, turbidity and all those other horrible things. South Australia has for several decades now led the way in Australia in water resource management. We led the way with the first integrated water resources management legislation in the nation, when the Water Resources Act 1976 was brought into effect. Several revisions over the years have built on that foundation, and the current Water Resources Act of 1997, while it is not yet perfect, is the most advanced in Australia.

South Australia has long since recognised the need to carefully manage water extraction from the basin. We effectively instituted our own cap in the late 1960s, and South Australia was instrumental in encouraging other states to adopt the principle of the cap in 1995. Since the early 1970s, South Australia has taken a leading role nationally in encouraging efficient irrigation water use as part of a total property management planning approach, including the

introduction of desalination schemes as part of the river management. As a result, South Australian irrigators are amongst the most efficient in Australia and in many areas of the state grow predominantly high value crops.

The recent closure of the Murray Mouth has again focused community attention on the management of the River Murray, the Lower Lakes and the Coorong and the myriad environmental issues associated with these ecosystems. The closure of the mouth disrupts the natural migratory patterns of fish species such as mulloway and the green-backed flounder. These and other affected species form the basis of an important professional and recreational fishing industry.

The closure of the Murray Mouth also adversely affects the Coorong which, together with the Murray Mouth and Lower Lakes, is a wetland of international significance, important to both the local and the South Australian economy. The natural and cultural heritage of the Coorong and the Murray Mouth supports extensive tourism and recreation which, in turn, supports local and regional businesses.

The Murray-Darling Basin Ministerial Council, in July 1995, showed great vision and foresight when it agreed to one of the most important policy decisions since the initial River Murray Waters Agreement was signed in 1914. The council recognised that a balance needed to be struck between consumptive uses and in-stream water requirements in order to secure our future.

So, in 1995 the ministerial council, importantly, recognised that the time to act was there and then. There were worrying signs of over-use of the basin's water resources, particularly in New South Wales. The council unanimously agreed to immediately establish a cap on further diversions from the basins, rivers and streams, and the fundamental importance of this decision cannot be overstated.

The member for Giles in her recent contribution to the house mentioned listening to some very interesting speakers who were asked to support the National Conference of Parliamentary Public Works and Environment Committees, and I agree with her that there were many interesting speakers who provided vast amounts of information, both scientific and technological, to that committee. I would like to read into this debate some of the information that Professor Don Bursill gave to that conference. Professor Bursill is the Chief Scientist at the Australian Water Quality Centre, a position he has held since 1990, and is responsible for the main scientific and water research services and facilities. Don is also the Chief Executive Officer of the Cooperative Research Centre for Water Quality and Treatment. He stated in one part of his address:

> Victoria's Goulburn Murray Water, New South Wales' Murray Irrigation Ltd and Murrumbidgee Irrigation Corporation collectively lost some 840 gigalitres of water last year from the bulk distribution system. This is before it reached the irrigators.
>
> This wastage is approximately 150 per cent of South Australia's total irrigation allocation and approximately 1.7 times the volume of Sydney Harbour.

It is often hard to conceive of figures that relate to megalitres and gigalitres of water. It perhaps puts it into perspective when we are talking about the loss of 840 gigalitres of water from the system before it reaches the irrigators when it is equated to approximately 1.7 times the volume of Sydney Harbour. The professor went on to say:

> It should be noted that these three operators are listed amongst the most efficient with claimed delivery efficiencies at or above 80 per cent. Some operators claim inefficiencies of as low as 45 per cent on their own assessment of performance.

He then asks:

> Why have we made so little progress in addressing this wastage when the volumes involved could contribute significantly to river health?
>
> Some 80 per cent of irrigation water in Australia (80 per cent of which is located in Victoria and New South Wales) is applied to crops by simple flood irrigation with only 4 per cent by sprinklers, 2 per cent by drippers and 1 per cent through microsprinklers. Why have we such a low uptake of more efficient irrigation technology and why are relatively archaic irrigation methods which belong in the time of the Egyptians still the dominant technology in place in the basin?
>
> In the 13 years to 1988, cotton production trebled in this country and it now uses 10 per cent of all water used in Australia for a .1 per cent contribution to GDP. This is quite a bit more water than Australia's 7 million households combined use each year. Rice growing has increased some tenfold in four years and now uses 7 per cent of Australia's total water use for a contribution of .02 per cent of GDP. These two industries lead the world in efficiency of production of these two products but is it wise to use so much water, so much of a precious resource, on rice and cotton production in such an arid part of this country?

I identify those comments because obviously the water use issue is one of great concern in terms of the effect on the duty of care in the bill before this house.

Our future prosperity depends on taking new directions which apply the principles of ecologically sustainable development. If we do not look after our water resources, we place our quality of life, our economy, and indeed our future, in jeopardy. Greater diversions whether by building more farm dams or increasing water allocations instead of prudent and determinant management will create immeasurable hazards unacceptable to downstream users—unacceptable to South Australians. That is certainly the message that this Labor government needs to promote to the upstream users. We should not forget that the blue-green algal bloom in 1991 along 1 000 kilometres of the Darling River was the largest bloom ever recorded in the world. It effectively placed the river out of bounds for stock or domestic use for a considerable time.

It always seems such an anomaly to me and many others who have looked at the system of water and perhaps its unwise use, in some instances, that it takes events of some note before collective minds come together to initiate measures which will correct actions and which should have happened before the incredible event in 1991 in which 1 000 kilometres of river systems became unusable. This event perhaps more than any other did focus the collective mind of the nation on the serious consequences of poor catchment, and indeed river management.

South Australia has certainly improved irrigation efficiency with a degree of vigour. An important prerequisite for efficient water use and, certainly, good water resources management practice, is to be able to measure accurately how much water is being used. The often heard maxim, 'If you can't measure it, then you cannot manage it,' applies to water use as much as to any other activity.

As I said earlier in my short contribution, the opposition will certainly question the minister quite closely on some aspects. The bill is complex; it is technical in many areas; and it is huge in terms of new legislation. But, of course, the question is: how much is window dressing? That is still the question at large. Some of the provisions in the bill are quite draconian, and some give quite immense, broad-ranging powers to the minister, including considering the compulsory acquisition of land and authorised entry into private land.

Many more significant concerns will need to be addressed at the committee stage of the bill. The opposition trusts that

it will be able to work through all the concerns that it identifies and then, in a bipartisan way, support the bill. However, some questions that will be asked, other than those concerning the significant aspects of the legal implications of the bill, will be, for example: what are the resource implications of some of the proposals in the bill; has this bill been costed in the many different areas in which its impact will broadly affect the community and individual residents in the River Murray area and its tributary catchments; and what are the likely costs? At this point, does the minister have any idea of the cost implications? In fact, does he have budget approval, if this bill has been costed?

I think I can ask that question with a degree of credibility in terms of a previous bill that went through this place on DNA testing which, in fact, was uncosted and unfunded. At this point, even though DNA testing was one of the major law reform proposals of the Labor government, it passed this place in name only. It would be total window dressing if that bill does not receive the necessary appropriation to implement the significant changes that it would bring to South Australia.

I believe that it is quite credible to ask this government and the minister whether this significant bill that we are debating tonight (and, more than likely, tomorrow) has had an appropriation from the Treasurer to implement the measures that this house (and therefore, at a later date, the parliament) might pass.

Mr Brindal interjecting:

The Hon. D.C. KOTZ: The government is taking the bill extremely seriously. Part of this proposal—

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! The chair takes the behaviour of members very seriously, member for Unley. The member for Newland has the call.

The Hon. D.C. KOTZ: I think that the member was attempting to give me some assistance, and I thank him for that. If the government is indeed serious in making a move towards the significant implementation of the protection of the River Murray and all that involves, with very significant changes to a host of broad-ranging areas, the bill needs to be resourced. It would be most appropriate for the minister to advise this house just exactly what those cost implications are and indicate that the budget appropriation has already been found. Also, I think that the minister needs to come to terms with the duty of care that is identified as a legal test within the bill. How will the proposal benefit the duty of care test for the river? I will continue further comment on this issue as we move into committee.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I support the Minister for Environment and Conservation by saying that all aspects of the River Murray must be recognised and protected. The river is not only our most important water resource but also provides water for a range of industries. It is also a vital component of the environment's ecology. Part of the economic and environmental value of the river lies in the area of ecotourism. The River Murray has many uses, including that as a resource for ecotourism. It is well recognised for its water-based recreational attractions, including recreational boating, fishing, water-skiing, eco-cruises and bushwalking.

Paddle wheeler cruising and self-drive houseboats offer distinctive accommodation options and a relaxing way to share the river with friends while cruising past impressive sandstone cliffs and giant red gums. The river offers a range of nature tourism opportunities based on bird life, wetlands, conservation areas and indigenous sites. These key heritage attractions are associated historically with river trade and ports, such as Morgan, as well as the history of paddle boats. The river particularly attracts the time-out discover and adventure tourist. These people are often younger and more physically orientated travellers.

The time-out people come to enjoy the region with family groups, relaxing and recharging their batteries. This area of river use should not be underestimated, because each tourist goes home an advocate and a proponent of conservation, and leaves the area with an experience of a river which is more than just a water resource for a city but is part of our way of life, our history and our heritage. To add to this, the Riverland tourism region itself attracts 302 000 day trips and 267 000 overnight visitors, and these people stay 824 000 nights each year. They spend in this region $62 million a year.

The Murraylands, an adjoining area of the tourism sector which is close to Adelaide, attracts 769 000 day trips, 400 000 overnight visits and one million nights of stay each year, and they contribute $42 million to our economy.

The tourism plan recognises that supporting our natural heritage is a key plank in supporting tourism in the future, because increasingly tourists want to see authentic natural and sustainable regions. So, maintaining a sustainable river is part of maintaining our economy in another way than just providing water resources. It is particularly of note that some of the great additions to our river tourism are based on nature tourism itself. For instance, Banrock Station links the wine and nature tourism themes with a wetlands centre.

Downstream from Kingston-on-Murray, BRL Hardy has reclaimed a section of land adjoining the River Murray and recreated a wetland that is now bustling with wildlife. The creation of the wetland environment and development of associated boardwalk and bird-viewing infrastructure is evidence of how the environment and tourism can be combined to preserve and educate visitors on the delicate ecology of the riverine environment. This wetland has since been listed under the RAMSAR convention on wetland as a globally important conservation site in that it preserves vulnerable species, such as the regent parrot and the southern bell frog.

It is noted that Banrock is a shining example of how a publicly-listed company is able to support, protect and preserve the environment whilst at the same time being a profitable and successful commercial enterprise. The South Australian Tourism Commission has played its part in sustainability and has funded a range of projects to support the ecology of the area, for instance, supporting the protection of river banks by avoiding damage from boats staying overnight, by putting snag markers, buoys and distance markers as well as navigational aids along the river to protect the environment, because no industry is sustainable unless it also protects the environment. Similarly, whilst we want to attract houseboats and houseboat tourism, we have also been keen to support a waste water pump-out facility and a trial of grey water effluent treatment systems in order to protect the river, which is the lifeblood of sustainable tourism in the region.

In terms of having a sustainable recreation strategy, we have supported the development of guidelines intended to be a tool kit for use by groups from councils to local schools, landcare groups and service clubs. In particular, the River Murray sustainable recreation strategy contains practical information about how to identify what the issues are at a

particular site, what can be done to alleviate problems and how to go about it in design, development and management. There will be specific references to more detailed information from groups such as NPWSA and other agencies, which have already developed best practice guidelines in areas of signage, camping areas and preserving the riparian zone along the river.

Case studies such as the Swan Reach sustainable recreation site, which was funded with $20 000 towards a total of $55 000 by SATC and has been used in the guidelines, are a practical local example that groups can inspect. These guidelines are expected to be completed by June this year and shortly the consultants will be using test groups of typical potential users to thoroughly road test the guide. This, more than anything, demonstrates the commitment of tourism to being sustainable and of the SATC to supporting our ecotourism opportunities, but particularly to supporting the environment and not supporting non-sustainable or damaging developments.

Of particular interest is that in November 2003 there will be a national ecotourism conference on the River Murray and this location will particularly highlight not only the problems the river faces but also the opportunities tourism offers. Tourism perhaps represents the intersection of the environment and the economy and there is a real opportunity for an industry to show that sustainability is the way of the future and that any activity which is unsustainable or damages our environment is unacceptable. I hope that tourism as an industry sector can lead the way in supporting the River Murray, the River Murray Bill and the minister.

Mr SCALZI (Hartley): I welcome this bill and commend the minister for focusing on this International Year of Fresh Water (which will be celebrated on Saturday), and on the importance of dealing with the River Murray, which really is our source of fresh water. Herodotus, the father of history, who lived from 485 to 425 BC—

Mr Brindal interjecting:

Mr SCALZI: The member for Unley tells me it was 424 BC. That depends on whether you are using the lunar calendar or the Gregorian calendar.

Mr Brindal interjecting:

Mr SCALZI: I will not go into that. Herodotus is known mainly for his accounts of the Persian wars. He had a habit of exaggerating. Indeed, he exaggerated the number of troops that the Persians had when they invaded Greece and the small numbers of Greek soldiers involved in the battle of Thermopylae in which the 300 Spartans—although they perished—were able to stop the Persians. I suppose it is appropriate to mention it today, as we celebrate the independence of Greece.

Mr Brindal: Whom were they led by? Was it Darius or Xerxes in that case.

Mr SCALZI: It was Darius. However, Herodotus did not exaggerate when he talked about the importance of rivers and fresh water. Herodotus commented on the ancient Egyptian civilisation and said that Egypt was the gift of the Nile, and he was right. Indeed, if Herodotus could come back today, he would also give us as Australians something to think about. He no doubt would say that Australia is the gift of the Murray-Darling Basin and, indeed, that South Australia is the gift of the Murray. We know how much South Australia—and, indeed, Adelaide—depends on the River Murray for not only its fresh water but also its agricultural output.

We cannot overestimate the importance to South Australia of the Darling system basin and the River Murray. We know how important it was in our history in the development of trade, as we were told yesterday, involving the steamships, and so on. In this International Year of Fresh Water, water is really what we should focus on. I commend the government for having a Minister for the River Murray and for its focus on the importance of the Murray. However, we must remain vigilant and be aware that, when this bill is proclaimed and becomes an act, it is not a panacea to deal with all the problems associated with our lack of fresh water in Australia and, more importantly, in South Australia.

Someone else said that those who were ignorant of the past are condemned to live in it. You all know who that was; he was a couple of inches shorter than I am. We must realise that we must address the importance of salinity in the River Murray Basin. I was fortunate enough to be a member of the Public Works Committee when we were in government and witness first hand the excellent work that has been done in the last 10 years in the salinity interception programs. I saw those commence first hand. It is important to recognise that they were started in the previous Labor government before 1993, as well. Some important steps have taken place. We must acknowledge that it is all happening now. This requires a cooperative, bipartisan and national approach. We will not deal with the problems if we focus just on what we can do. We must be committed to what we can do, but the focus should be broader than that, and there should be cooperation between the federal and state governments.

The intention of this bill must be applauded; there is no question about that. As I said (and the opposition supports the bill), because it is trying to deal with a problem that has plagued us since European settlement, we have to get it right. For example, we know that in the eastern states the Murray irrigation project would be only 90 per cent efficient. There are still open channels, and the loss of water through evaporation is 10 per cent, which really is what we use in South Australia. You think about other means of dealing with this problem with fresh water, if we could get the eastern states to cooperate. We could change the crops that really are not suitable in our climate—for example, cotton. When I visited those salinity interception projects, I was very much surprised to see that, for example, vines use less water than almond trees. So, there is a variation. Not only must we deal with irrigation, but we must also deal with crops that we put in, we must educate people to be more responsible and we must have a comprehensive look at how we can save this precious gift, water.

I agree with the member for Giles, who made a very good point that Whyalla would not otherwise exist. So, Whyalla, too, is the gift of the Murray, as are Port Pirie and Port Augusta. The member mentioned that the pipeline is the artery for those cities. We have to get this right, and having such a bill is an important step. But as the member for Heysen has outlined, we have to look at the powers of this act with respect to the minister and the various associated bodies. What are the penalties? What are the penalties for breach? What is the power of the minister in all this? What is the power of the cabinet? Can changes take place by regulation without going back to the parliament? Will the bureaucracy that will be associated with implementing this important legislation be efficient, or will it be a little like the loss of the 10 per cent water that is experienced in the eastern states? All these questions have to be asked, as the member for Heysen, who is meticulous in going through bills, has pointed out, and

as, no doubt, my colleague the shadow minister, and others, will point out—I know that the government welcomes objective criticism, because we want to get it right. As I said, Australia—and, indeed, South Australia—is the gift of the Murray. As Ticky Fullerton said in *Watershed* 2001, ABC Books:

> We are a land of extremes, where most of the rain falling on the tropical north creates huge flooding rivers which will still run free to the sea. Only about 6 per cent of our rain lands in the Murray-Darling Basin, on which we rely to produce 40 per cent of our agriculture and 90 per cent of our irrigated agriculture.

In a nutshell that says it all. That tells us what is at stake in this bill; that tells us why it is important to get it right. I do not think there are any other issues more important for South Australia than getting this legislation right and making sure that it is implemented and that it has a comprehensive education program which will commit people to be responsible and, at the same time, acknowledging our history and not being vindictive towards those who might have had practices which were not in the best interests of conserving water.

So, we must see this bill in its historical context and stop laying blame on the producers. We must get the producers on side to make sure that they too understand the importance of preserving this precious gift of water. I cannot over emphasise the importance of water because, if we get it wrong, when will we have this opportunity again? Again I quote from Ticky Fullerton on *Watershed*:

> People hear about the importance of the Murray-Darling Basin, but it doesn't seem to sink in. The basin covers one-seventh of Australia, 1 000 kilometres squared or about the size of France and Spain. The Murray-Darling River system provides drinking water for 3 million people (more than one-third of whom live outside the basin) and supports 300 000 wetlands.

You can imagine the biodiversity involved, and a lot is at stake. I will look very carefully at the provisions in this bill when it goes into committee, as will other members on this side. To whom is this legislation committed? How does this legislation solve any problem, real or imagined? We must be critical. How will it affect other departments, and how will it affect planning? How will it affect those producers who have been responsible, and how will their rights be protected? All those questions must be answered, and they must be answered in an objective and critical way that ultimately will get the best outcome.

As others on this side have stated, it is no use having great ideals and plans if you do not have the resources to bring them to fruition. You must have those things in place, because otherwise we will not learn from our mistakes. There have been many attempts to try to deal with these problems in the past, and it is great to see that the government is committed and focused on the River Murray, but it is also important that it should be focused on getting it right. I suppose that is the job of an opposition, and we will go through it clause by clause to make sure that it is right.

There has been a lot of talk about the costs, and yesterday in question time we saw the Treasurer having a cheap political shot at the leader. This is no time for cheap political shots; it is about having a plan. We must get this legislation through in the best possible way, then we must make sure we have a plan to implement it. We must make sure that there is a comprehensive education plan that sustains it and that people are committed. We must make sure we have continuous dialogue with the eastern states, because the River Murray Basin is owned not only by South Australia; we are at the end of it. With those things, it is mostly at the end that we find out that we have problems, so it is only appropriate that we initiate some programs that will increase the availability of fresh water.

Salinity is a problem; there is no question about that. As I have said previously, we have had programs in place in South Australia to deal with those problems. Salinity interception schemes have worked but they cannot work on their own as, indeed, this bill will not produce a result on its own. It must be properly funded and there must be accountability. We have to make sure that the bureaucracy that will support and implement this legislation is cost effective, because, if it is not cost effective, why have it in the first place?

What is the role of the minister? What will the impact be if the minister is committed but the cabinet is not committed? If the whole government does not maintain this momentum we will not get the results envisaged by this bill. There is a lot at stake and it is absolutely vital that we get it right. I dread what will happen if we do not get it right.

I will never forget an environmental studies video that I showed some students when I was a teacher. It was a simulation of what would happen if Adelaide did not have fresh water. We would become a city under siege. Imagine what would happen if we could not rely on fresh water. We know how important it is and it is easy to imagine waterborne diseases. Salinity is a problem because it reduces production and it makes the land ineffective. However, if we do not have fresh water, it makes us really vulnerable as human beings.

We will not be able to sustain an increase in population because production output and water quality will decrease if we do not get this right. It is no use saying we should have 8 per cent of Australia's population and that we should try to encourage an increase in population if we are not going to get the water right. We know that on Eyre Peninsula we must plan to increase freshwater supplies. Some say that we could have desalinisation plants, but the cost of that would be prohibitive. We have an opportunity to get this right and we must get it right if we as South Australian legislators—

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr SCALZI: —are to be remembered in the future.

Members interjecting:

The DEPUTY SPEAKER: The member for MacKillop will come to order! I remind members that the chair is very tolerant and allows members to finish the sentence but not continue on. The member for Colton.

Mr CAICA (Colton): My father came to Australia after the Second World War as a Romanian migrant and, like many migrants at that time, he was allocated work with the then highways department in the Riverland. Following his learning of the English language, he then worked at the Barmera Hotel for several years before coming down to Adelaide. That period instilled in him a love of the community life that exists in the Riverland region. But, most importantly, it gave him a love of the River Murray—as it did for many people who migrated to Australia at that time. As a consequence, my brother and I, along with my mother and father, seemed to have spent all our school holidays in the area my father had become familiar with, that is, along the River Murray. We spent many of our holidays in places as far away as Mildura, Waikerie, Blanchetown and Barmera, which are situated along the river. In fact, last October, on my last holiday, I took my children to Blanchetown to enjoy what the River

Murray has to offer. I do not think this connection with what is our river would be unusual for a lot of us in this house or for many other South Australians.

Of course, what I like about holidaying on the river is that you get up in the morning and do nothing and then, in the afternoon, you rest for a while. You look at the river and think how beautiful it is. You sit there and watch the birds. You might be lucky enough to catch a fish that you can cook that night, or you can enjoy some of the other fruits that are provided by what has been referred to by many people as South Australia's lifeline. We know that the river is sick. Evidence shows that unless there is some form of intervention the river will get to a state where it will not recover. It is a system under stress. This legislation—as others have pointed out—will not be a one-off fix, but it will go some way to helping what is an ailing system; but we know that we have to do other things as well.

I will touch for a moment on the flows of the rivers and streams of the Murray-Darling Basin. I am informed by people who know more than I do that the median annual catchment run-off is around 24 300 gigalitres, and that the natural losses through seepage and evaporation, pre-European settlement, resulted in around 11 000 gigalitres per annum flowing through the Murray mouth. I understand that today, on average, 2 900 gigalitres per annum flows through the Murray mouth (that is, 27 per cent of the natural flow that occurred pre-European settlement).

Of course, we know that at the moment a big fat zero—that is, no water whatsoever—flows through the Murray mouth, despite the best efforts of this government in implementing engineering solutions to enable some sort of flow. So, it is a pretty sad state of affairs. As I understand it, the entitlement flow for South Australia is 1 850 gigalitres per annum (that is, the entitlement flow that comes across the border into South Australia) which is less than 20 per cent of the pre-European settlement natural flow to which I referred earlier. In fact, South Australia receives a median flow of 4 800 gigalitres (or 40 per cent of its natural flow).

Throughout European settlement, there has been a lot of intervention on the river that has resulted in locks and barrages, weirs and dams and other diversions to ensure that the Murray-Darling Basin provides water to the Australian people and to about 73 per cent of this nation's irrigated areas. It is guaranteed water to those areas which were historically the subject of seasonal flows. So, the Murray-Darling Basin is the most important water resource to the people of Australia. It provides 73 per cent of Australia's irrigation, as I have said; it supports 41 per cent of Australia's agricultural production; and it provides drinking water for in excess of three million people, a third of whom live outside the catchment area. In South Australia alone something in the vicinity of $1.5 billion worth of agricultural production occurs throughout the Murray Mallee and Riverland regions.

Earlier, we heard the relevant minister talk about tourism and the amount of money that it generates and the importance of the River Murray with respect to tourism. It is a very important economic resource, not just for the people of South Australia but, of course, for all Australians. Apart from being the most important economic resource in our nation, the Murray-Darling Basin and the River Murray is a living body. It is a very fragile living body and, for it to remain an important crucial water resource, it is critical that the ecological integrity of the River Murray be maintained. It is self-defeating for the River Murray over time not to be managed in such a way as to provide for all its environmental requirements. We cannot continue to live, exploit and plunder the River Murray in the way this has occurred in the past and, indeed, as is happening today.

This bill is historic legislation. It fulfils an election promise of the government when in opposition and protects the River Murray under its own legislation. Its aim is to achieve a healthy, working River Murray system. It establishes a series of objectives that include a duty of care so that no further harm will come to the river. It aims to protect and restore habitats, flood plains and wetlands. It aims to restore, in part, environmental flows, improve water quality and, importantly, improve ecologically sustainable development in that region. It provides for the economic, social and physical wellbeing of the communities that live along our river.

This legislation provides for the River Murray to have special protection under its own legislation, and I think it creates a bold precedent for the other states to adopt. The fact is that we cannot do it by ourselves. It is all well and good to have legislation in place in South Australia, but we must understand that we will not be able to do it alone. I will reflect on that statement for a moment.

We need the commitment of the other states to ensure that their commitment, in time, matches ours. We need the federal government to assist in fixing the River Murray and we need coordination and agreement between the other states, particularly Queensland, Victoria and New South Wales. I know that many members recently attended the River Murray forum in this chamber, and I understand that the minister will take the Forum's overarching statement to the next meeting of the various state ministers to argue that their commitment needs to match ours if we are to do anything of significance with respect to this river system.

Again, I repeat that legislation cannot and will not be a stand-alone. While the legislation complements other initiatives, for example, the implementation of the water allocation plan for the River Murray, and the fact that the Murray-Darling Basin Ministerial Council is finally getting its act together with respect to addressing environmental flows for the River Murray, this legislation has a number of features that will pave the way for the restoration of river health. As I said, it will not achieve this by itself. That is why the minister and this government will develop and introduce other measures which are necessary to complement this legislation. Such measures might include, for example, the detention and retention of stormwater for harvesting and reuse; aquifer replenishment and storage; desalinisation; the continuation of salt interception schemes; sustainable agriculture; and water pricing policies.

I want now to talk about sustainable agriculture and water pricing policies. I am not sure of the terminology used, but many members in this house have talked about ensuring that everyone gets looked after. With respect to sustainable agriculture and some of the crops grown along the River Murray, including rice, cotton, the dairy industry and viticulture, we have to focus on the efficiency of those industries. It makes no sense to me that we can say that the rice industry, for example, or the cotton industry, or indeed even the viticulture industry, is using water efficiently. That is the case. It might be using water efficiently. It might be using water more efficiently than it has ever been used before, but we must look at the return on that water, should a proper price be paid for the water.

To a great extent, there is not a proper pricing policy for water in this country that reflects the return that agriculture

receives on the use of that water through its various crops. We need to make sure that we get value for money. In a previous life, I might have been referred to in some circles (and I remember the member for Bright saying this at one stage) as being anti-market forces, but I do not think the revolution is coming tomorrow or even the next day. I think that the market economy is here to stay and ultimately it will be the market economy, pending the introduction of proper water pricing policies, that will determine what crops are efficient based on the return received on those crops.

It is a very important issue, because sustainable agriculture will only be as sustainable as the return ultimately being received on the water being used. I do not think rice falls into that category, and nor does cotton. We need to get value for money and we have to have a proper price for watering, based on proper economic return. That in my view is the future basis of sustainable production. Market forces in our community must come into play. In finishing, I commend the legislation. I started this contribution by talking about my connection to the River Murray and how that occurred over many years. What I want more than anything is for my children's children to be able to enjoy the things that I and others have enjoyed about the River Murray.

We as a parliament have a responsibility to make sure that we put in place every measure that will ensure the sustainability of that river and make sure that the communities continue to be able to live off the river; that the habitats are returned to some type of normality; and that it becomes again a living, breathing river.

One other matter that I might just touch on briefly is the opposition's hypothesising about the appropriation aspect of this in raising the necessary concerns about allocating money and resources. I am new to this place, but it seems ridiculous for a government to start appropriating money for a bill that has not become law at this time. I remind the opposition that we have made a commitment to playing this state's part in returning the River Murray to a healthy system and, if that costs money, that money will ultimately be available, because otherwise it would be a nonsense piece of legislation.

I reinforce the point that this is not and cannot be stand-alone legislation. Other measures have to be put in place and will be put in place, because it needs a fully integrated approach. I commend the legislation to the house.

Mrs MAYWALD (Chaffey): It is with great enthusiasm that I rise to add my voice to this debate. The River Murray Bill establishes an historic moment in this parliament. Five years ago I came into this parliament, and the understanding of the issues around the River Murray amongst parliamentarians was limited. And I do not say that with any disrespect to any members of this house: it was more that the issue was not elevated to the position that it currently holds. Over the last five years we have seen an absolute sea change in attitude towards the River Murray. That in no small way can be attributed to the efforts of a select committee established by the now minister, supported fully by the government at the time, and enthusiastically participated in by all members.

Over an 18-month period we established a way forward for this state in respect of matters relating to the River Murray. It was also a monumental step forward for this state actually to look for the first time at legislation that specifically revolved around the River Murray. It is great recognition, and it is and will be a great step forward for economically sustainable development and the environment. But it will be a step forward only if—and I emphasise the word 'if'—those who are responsible for administering this legislation do so in a responsible manner. The legislation gives far-reaching powers to a single minister and, by powers of delegation, to the bureaucracy. It provides for many avenues of veto in respect of development that could have a significant negative impact on the state if it is not managed in an appropriate manner. It has the ability to be the ruin of the Murray-Darling Basin in South Australia or to be its saviour. I hope that it will end up being the latter. The Riverland is my home. The Riverland is the region that I represent through the seat of Chaffey.

Mr Koutsantonis: You do it well.

Mrs MAYWALD: I thank the member for West Torrens. The importance of the Riverland region to this state cannot be under-estimated or referred to lightly. Water drives the economies and communities of the rural districts and regions of South Australia. The Riverland's irrigated horticulture makes a significant contribution to the state's gross production. In fact, 60 per cent of the state's grape production comes from the Riverland. That 60 per cent of grapes is not put into bottles of wine in the Riverland but is used to make some of the best wines that are exported around the world from all over the state. There are very few bottles of wine that leave this state without at least a drop of Riverland grape in them, particularly given that last season—

Members interjecting:

Mrs MAYWALD: There are those who would mock but, mark my words, your bottle would be only a third full if it was not for the Riverland. In the Riverland we have witnessed a sea change in attitude in respect of the sustainable management of irrigated horticulture. We have seen the community take this on with great enthusiasm and gusto. We have seen the community lead where the government is today. Five years ago when I was elected to this position I had no understanding of the depth and the level of commitment in the Riverland community to the sustainable management of our lands, and that commitment has grown exponentially over the past five years. The involvement and the intense ownership of the solutions from irrigators within the Riverland is something to behold, and I am very proud to be a part of it.

I suggest that the largest part of my role as the member for Chaffey is committed to water resources and improving the quality of the River Murray, and ensuring that our irrigators achieve their goal of 85 per cent efficiency, and to look beyond and mitigate the off-site impacts as well. The community ownership of the solutions has been phenomenal, and that momentum needs to be maintained. The parliament, the bureaucracies and the process that we are undertaking at the moment—the integrated natural resource management reform; the water resources reform through the water allocation plans; the recent release of the catchment plan; and the River Murray Act coming on board—are catching up with where the community wants to see our legislators and our leaders go.

In saying that, it would be now incredibly counter-productive to see the catch-up result in over-policing and over-exuberance by the bureaucracy to squash and quell the enthusiasm for change that we have seen over the past five years. Prescriptive legislation that places more emphasis on policing rather than encouraging the active participation in change can only result in what we see in New South Wales, which is a polarisation of the community and the government and no way forward.

It is vitally important that the community at all stages is the driving factor towards where change goes and that the government provides the implementation of such change. It is important to have a proactive partnership approach to the interpretation of the objectives of this bill. The objectives are incredibly broad. They are motherhood statements in a lot of areas and are open to interpretation in respect of whoever may be the person who is responsible for administering this legislation.

I trust that the minister will take on board the concerns that I have in respect of that interpretation and think carefully about his delegation authorities, and ensure that the true principles being sought to be implemented through this measure are applied to the bill.

In New South Wales, we have a situation where an over-prescriptive government has introduced an enormous number of pieces of legislation that have bogged down progress and the ability to change within local communities. In South Australia, we have been fortunate enough to have a situation in which our community is leading the way and we are having to catch up with them. I think it is important that we do not take a heavy-handed approach, because that will be counterproductive. I believe that it is vitally important that we act as leaders in moving to where our community is in respect of the changes that are needed to save the Murray. What happens in South Australia, of course, is only a very small part of the equation, but it is an incredibly important part of the equation.

What we do here leads the way for what happens upstream. If we are not exemplary in our approach to natural resource management, we cannot expect that the changes will be forthcoming upstream. New South Wales and Victoria are always quick to point the finger at South Australia. They are always quick to point the finger at our failings, no matter whether we believe they are large or small. I think one of those failings is that we did not introduce water restrictions this summer in Adelaide. I think that sent a very bad message, and the perspective from the irrigators upstream was, 'Well, South Australia must be getting too much water if they don't have to undergo restrictions.'

Regardless of whether it would have had a significant environmental impact—and I understand the science and I understand the data that has been produced by the scientists predicted that it would have had minimal impact on our current environmental climate in South Australia if we were to introduce it—I suggest that the message it would have sent upstream would be worth any of the pain. I hope that it was not a consideration that SA Water (or one of the other utilities that actually gain revenue from the supply of water) directed the decision of government. I trust that that was not the case, and I feel that the people of South Australia would have been very let down if that was the case. I think that most people would have been prepared to take on some voluntary restrictions.

Over the years, I have also been a great advocate for a water conservation bank. As part of the select committee on the River Murray, we discussed and made a recommendation in respect of a water bank. It is one area that I believe we have not pursued to full effect. At the moment, we have many irrigators who have surplus water. They are not using their full allocation on their properties and, rather than lease that water out, they are preferring to see it run down the channel for whatever environmental benefit that may have. The problem with doing that is that we have no way to monitor it, measure how much, nor apply it in a fashion where it will have maximum environmental benefit.

If we were to implement a mechanism whereby people could bank their excess water for a year within a water conservation bank, and then in the spring high river we could augment a flood, get it over the bank, use that allocation and see the environmental benefits in the Riverland, it would certainly have far more effect in respect of the adoption of change in the Riverland and the willingness to improve and put water towards environmental purposes than any act of parliament would have. Such a water conservation bank would require us to have a provision within the current storages around the Murray-Darling Basin to hold that water on an annual basis. It is certainly not water that I would say would be available on a cumulative basis: it would be available only for the year that it was unused, and only used if we did have the conditions that would require augmentation of a higher flood. At this stage, the water running out to the sea without any measurement, monitoring or ability to move it around the system to best utilise it for environmental benefit is quite worthless.

What we also need to do in implementing the changes and the provisions that this bill proposes is to ensure that we recognise people's legitimate rights. No matter what we think about New South Wales and Victoria—and there has been much discussion about rice growers, cotton growers and other irrigators who have had allocations given to them or who have purchased water in the upper reaches of the Murray-Darling Basin—we, as a parliament, have to be very aware that each of those communities and each of those irrigators has been given a legal right to access that water. They are not criminals, and they should not be treated as such. Communities have sprung up around that development, and any changes that are required to put water back into the river will require enormous adjustment on behalf of those communities that will be affected.

Mr Brindal interjecting:

Mrs MAYWALD: That is a good point. The member for Unley says that they also happen to feed most of us. That is true. We divert only 5 per cent of the diversions in New South Wales; their contribution to the state's economy is enormous. That needs to be balanced against the environmental benefits. It is not sustainable into the future, and it is recognised that it is not sustainable into the future: it is recognised by the New South Wales government and the federal government; it is certainly recognised by the South Australian parliament and government; and it is recognised by the communities that live in that environment.

But we, as a parliament, need to take a leadership role and recognise and support those people by saying that they have legitimate rights and, therefore, they need to be treated fairly and equitably. If it means that we need to shut down irrigation areas, ways and means have to be considered from a national perspective on how best to treat those people. We cannot just take away the water of the irrigators and see the townships and the schools die, the jobs go and the interior disappear, because there are no jobs for them in Sydney.

We need to ensure that we balance the needs of the rural community, the environment and the social aspects and that we balance the needs of the interior versus the coast of the nation. Taking away from and shutting down the interior is not an option: managing it better is. We can certainly better manage the way in which we treat those who will be most severely impacted by this measure. If we were to take away 20, 30 or 40 per cent of the water allocation of some commu-

nities, we would shut down the entire community. We have to consider the human impact, not just the environmental impact.

The establishment of equitable property rights in New South Wales is the next step forward to achieving change. We have made a quantum leap in the last five years in that New South Wales is now recognising that water has to go back—namely, water property rights. Water property rights are the next step in determining where we go with the next quantum leap that we need to take with respect to managing differently the environmental flows issue, the river system and the Murray-Darling Basin as a whole.

Unless we can sort out those issues we will meet far more opposition then we can deal with in South Australia. The road towards change will be long and arduous, and we may not see it in my lifetime or in the lifetime of any of the members in this place. A collaborative approach across the basin is needed. Standing on this side of the border and throwing stones at the rice and cotton growers on the other side is counterproductive: it achieves nothing. Interestingly enough, I had more to say about that to the previous government and the previous premier—the current Leader of the Opposition—in that a lot of the antics of the premier in those days were extremely counterproductive. I hope that we have learned something from that. I believe that the way forward is to work with these communities. We can achieve a lot by supporting communities and offering them exchanges with other communities.

One of the events I found most beneficial in recent times was an Environment Australia conference held in Mildura. Unfortunately, that conference was not well attended, and I do not think that Environment Australia put in the effort that was necessary to ensure good state representation—from this parliament or from other parliaments around the country. The conference, though, was extremely good in that it brought together different people from different catchments to talk about the national action plan, water quality and salinity. At that conference the exchange amongst communities was incredibly encouraging, and the workshops that were held gave people the opportunity to listen and to get an understanding of the difficulties and the issues other communities were facing. I am pleased to say that the government is looking at undertaking a comparative study across the basin on what our irrigators and water users contribute in respect of levies and costs associated with irrigation; comparing that to other irrigators in other jurisdictions, and also looking at the costs associated with the different policies that each state applies, so that we can start to compare apples with apples.

We do not know what New South Wales irrigators are paying in respect of the costs of government policies. We do not know how to compare that with what our irrigators are having to pay. What costs are our irrigators incurring to meet the 85 per cent efficiency? What costs will our irrigators incur to meet the 15 per cent to offset the impacts of the other 15 per cent of the water that comes from their irrigation? How does that compare to other states and the way in which they manage their irrigation and the way in which government policy impacts on an irrigator's back pocket. I think we do it well in South Australia and I think that we are doing it better every day.

Mr Brindal interjecting:

Mrs MAYWALD: I believe it is important that costs be compared because the Murray-Darling Basin debate focuses on who pays what and a number of the discussions in relation to the Murray-Darling Basin agreements, issues, and water trading in particular related to the cost of getting access to the water from state to state. It is important that we get those facts and figures on the table.

They are just a few of the issues I raise in my contribution to this debate. I will be watching and contributing extensively in committee and looking for clarification in a number of areas. However, it is a momentous occasion.

The recognition by this parliament of the importance of the River Murray is to be applauded. The efforts of members of the select committee in bringing it to this stage, the former government's support of that and the present minister who moved the motion to establish that select committee need to be commended. It has created an historic moment. It has brought this parliament to an understanding of the issues surrounding the River Murray that would otherwise not have occurred, and I think that we can only look forward from this moment. I do say with caution that a heavy hand with respect to the objectives interpretation will be counter-productive.

Mr WILLIAMS (MacKillop): I do not support this bill with the level of enthusiasm that has been expressed by a number of other speakers in this debate.

Ms Chapman interjecting:

Mr WILLIAMS: I understand that there are a few members who share my sentiments. I start by saying that some members might say, 'Well, the member for MacKillop is from way down in the South-East. What is his interest in the River Murray?' I commence my comments by giving a little geography lesson to some of the members who might be unaware that my electorate includes all of the Coorong, at least half of Lake Albert and the Narrung Peninsula and adjoins the electorate of the member for Finniss at the Murray Mouth.

A great number of my constituents have a vital interest in a first-hand way in what happens to the River Murray. The livelihood of quite a number of my constituents depends on the health of the River Murray and on the lakes.

Mr Hanna: I suppose you wish that pelicans could vote, Mitch.

The SPEAKER: Order!

Mr WILLIAMS: More importantly than that, the economic welfare of a number of my constituents depends on what happens in other parts of this state. I might come back to that at a later stage. I have very grave concerns about this legislation, which can only be described as draconian. It introduces a number of new measures: a number of powers will be invested in the Minister for the River Murray which are not enjoyed by ministers today under the statutes of this state, so it is breaking new ground, and I have great concerns because those powers are not, in the practical sense of running the state and administering acts of parliament, administered by the minister but by the bureaucracy. I have a number of grave concerns about that and will go through a number of issues from my recent experience involving things the bureaucracy has done with other legislation in this state.

I point out that my trust has been severely tested with the way a considerable number of acts are being administered. My trust has been severely tested in some things that have been related to this parliament—things that we have been led to believe would happen and have just not happened. To go to the most recent of these, the Upper South-East drainage bill passed through this parliament late last year, and in the second reading speech I asked the minister a question about the risk management strategy which was supposed to have

been done on the Tilley Swamp. I will quote from *Hansard* of Thursday 5 December at page 2206, as follows:

> Has a risk analysis been done of what effect this might have on Tilley Swamp? I know that Environment Australia is insisting that that be done. Has it been done? If it has not been done, when can we expect it to be done and when can we expect a sign-off?

In reply, on the same day at page 2208, the minister said:

> The member for MacKillop raised a question about Environment Australia, which I understand is happy with the project. The management planning arrangements have been agreed to and are supported by the commonwealth.

I took in good faith that that work had been done.

Mr Brokenshire: Had it been?

Mr WILLIAMS: Indeed, it had not been. A constituent in the Upper South-East was sent a fax from the minister's department in late February which contained a draft budget for ongoing works necessary in the Upper South-East. The second item in the draft budget is the Tilley Swamp risk management project and the budget figure is $1.84 million. There is one reason why I have serious doubts about being able to trust the administration if we give these powers to the bureaucracy and/or ministers to handle in the future. In that most recent example I was told one thing in this house and it was proved only a matter of some weeks later to be blatantly false. The people of the Upper South-East are now being asked to come up with $11 million, almost $2 million of which will go to something that the minister led this house to believe had already been done.

If I have time after going through the bill I will come back to the issue of the treatment of dairy farmers on the lower river flats. The treatment of those dairy farmers is nothing short of reprehensible and this government will stand condemned if it continues with the sort of nonsense I saw down at Murray Bridge a week or two ago at a public meeting. I may not have time to get back to that; I know the member for Schubert has already spoken about it. I will go through some of the problems I have with the bill, as it is important to put some points on the record. I will be very interested in the third reading stage of the bill as it is very intricate. This bill is complicated, convoluted and confusing. I am not too sure that there is not some method behind that, because in that way future ministers, on advice from their bureaucrats, will be able to make up plenty of excuses about why things of which we were unaware have come out of the blue or which might be going to happen, because we could not read between the lines or grasp some of the fine print.

I will begin by addressing some of the terminology of the bill. Clause 6—Objects of the bill—refers to the River Murray. Clause 7—Objectives of the bill—refers to the River Murray system. Clause 3—the interpretation clause—provides that River Murray means:

> (a) the main stem of the River Murray; and
> (b) the natural resources of the River Murray.

Yet then you find that the natural resources of the River Murray are defined as the River Murray system. The River Murray system is further defined as meaning 'the river itself, and all anabranches, tributaries, flood plains, wetlands and estuaries that are in any way connected or associated with the river'. What on earth is all that about? We go from definition to definition purely to confuse the issue. The bill continues to be confusing from start to finish.

I will just quickly flick through the bill and read from some of my notes. Clause 6 provides that the first object of the act will be:

> to ensure that all reasonable and practical measures are taken to protect, restore and enhance the River Murray. . .

'Restore' is an interesting object. I would love to know from the minister just what he and his advisers mean by that. That is a very subjective piece of terminology, and I would like that defined much more clearly so that this parliament understands exactly what object the minister has in mind when he is seeking that. Clause 6(c) provides:

> to provide mechanisms so that development and activities that are unacceptable in view of their adverse effects on the Murray. . .

In whose view might they be unacceptable? Again, that could mean anything to anyone.

In clause 7—Objectives of the bill—we find that the objectives are basically a series of motherhood statements. Somebody else has already used this line, but motherhood is hardly something you can argue against. However, I am darned glad that my mother was not like some of the clauses included in this bill, because of their draconian nature. The motherhood statements show that this government has no clear policies, no objectives and no funding. As the member for Mitchell expressed some time ago, this is all about running the agenda in the media. It is not about coming up with some clear policy directions, strategies or objectives but about running a line in the media. That is why I am concerned about it, because it not only does that but also gives some very dangerous powers to the bureaucrats. Clause 7(6) provides:

> The Governor may amend these objectives from time to time by regulation.

Hidden away in the objectives of this bill is a little clause which says, 'This parliament is no longer necessary. The Governor, in Executive Council, can amend this legislation—not to produce a regulation.' It does not sound like the Westminster system to me, and I have grave concerns about a clause that would give power to the Governor in Executive Council to change the objectives of an act.

There are many words that frighten me. Subclause 9(d) provides that the minister, in preparing the implementation strategy, is to consult with relevant persons, bodies and authorities. As I said, I happened to be at Murray Bridge a week or so ago, and I saw the way that this minister consulted with the dairy farmers there. If that is the way in which the powers given under this bill are to be progressed in the future, I have grave concerns for anyone with any interest in the River Murray, because the level of consultation at Murray Bridge was all one way, and it was always, 'Take what I say or leave it.' Indeed, if this parliament passes this bill, those poor dairy farmers will have very little choice.

Last night the member for Stuart spoke about division 2, clauses 13, 14 and so on, which talk about authorised officers and the powers of authorised officers. I will not go over that ground again, but I certainly concur with the member's sentiments. It is outrageous that a River Murray act would have a provision which could make someone face a maximum penalty of $20 000 for failing to answer a question put by an authorised officer to the best of his or her knowledge, information or belief. That is the sort of power that we very carefully give to sworn police officers. It is not the sort of power that I think we should hand around to authorised officers under all sorts of acts.

I think that clause 17, which deals with management agreements, is one of the better clauses in the bill. This clause provides for management agreements to be struck between the minister and land-holders. I have some concern regarding

clause 17(4) (and I will come back to this during the third reading), which provides that a party to a management agreement can apply for the Registrar-General to register that agreement on the land title. I think that only the holder of the land title should be able to apply to have anything registered on the land title, or it should only be at the behest of the land title holder.

The implementation strategy—part 5 of the bill—again shows that the government has no initial strategy. It provides that the minister must prepare and maintain a plan to be called the River Murray Act Implementation Strategy. I would have thought that the minister would have that plan. I would have thought that that would be part of the minister's second reading contribution, so that the parliament had some understanding of why the minister wanted this act and why he wanted these draconian powers. The minister has come in here and said, 'I need these powers'; he has dressed them up and hidden them behind a heap of motherhood statements and said, 'It is absolutely necessary for me to have these powers', yet he does not know what he wants to do with them. If he did know, he would have had an implementation strategy—or, at least, the first stage of it. We have not seen that. If he does have it, I am sure that he would have brought it in here and used it as part of his argument about why he wants these extraordinary powers.

Part 7, clause 22, deals with the general duty of care. Clause 22(1) provides:

> A person must take all reasonable measures to prevent or minimise any harm to the River Murray through his or her actions or activities.

Clause 22(3) provides:

> A person will be taken not to be in breach of subsection (1) if the person—
>
> (a) is a public authority exercising, performing or discharging a power, function or duty under this or another act; or
>
> (b) is acting in circumstances prescribed by the regulations.

Just about every problem that we have with the River Murray and the environment in this country is because of actions of governments and/or government agencies. It has been at the behest of governments trying to drive economic development that all our problems have arisen. Why all of a sudden will that change? Why would the minister bring into this place a bill to institute a general duty of care towards the river but absolve himself, his agency and all the people working for that agency from that same duty of care? I find that quite curious; I also find it outrageous. Under Part 8—Protection and other orders, the minister has the power to issue protection and remediation orders and also to institute remediation at his own behest if the citizen concerned does not move ahead. I do not have a problem with that; I think it is one of the strengths of the act and that it provides some powers that the minister needs.

I do have a problem with the fact that an authorised officer may issue an emergency protection order orally, and it does not have to be backed up by a written authority of the minister for 72 hours. If an authorised officer can issue an oral protection or remediation order, I think it only fair and reasonable that the citizen to whom that order is issued should have it in writing within a matter of hours, not three days. I am sure this will happen from time to time: if at some stage such a matter ends up in an appeal court, it will be one person's word against another's. That is grossly unfair not only to the citizen involved but also to the authorised officer, and I do not think this parliament should be putting that pressure on either party in those circumstances.

I have some concerns about appeals to the ERD court. I have concerns that clause 32(6) provides that, subject to subclause (7), the institution of an appeal does not affect the operation of the order to which the appeal relates or prevent the taking of action to implement the order. Subclause (7) provides that the court may, on application by a party to an appeal, make an order staying or otherwise affecting the operation or implementation of the whole or part of an order if the court is satisfied that it is appropriate to do so, having regard to certain matters. It is very onerous; it puts all the pressure back on the citizen and very little pressure on the minister or his officers. Indeed, subclause (7) provides that the court must not make an order staying the operation or implementation of the minister's order unless each party to the appeal has been given a reasonable opportunity to make submissions in relation to the matter. In other words, the minister can place an order on somebody to take some action, and the citizen has to go to the appeal court and through quite a process. All the onus is back on the citizen.

Clause 29 precludes compensation being claimed by any person who is affected by these orders. That is reprehensible and outrageous. There are plenty of other matters on which I would like to have contributed to this debate, including some of the nonsense that is being talked about in South Australia about the inefficient use of water upstream. Might I make one comment? If all the water that is currently growing rice and/or cotton in New South Wales were converted to growing wine grapes anywhere, the value of wine grapes would be zip.

Mr RAU (Enfield): I will make a brief contribution on this bill, because I think it is a very important piece of legislation. It is important for all members of this parliament to take an active interest in the future of the River Murray. I do not propose to engage in a forensic analysis of the provisions of the bill in the way that the previous speaker has just done because, rather than delving into the detail at this point, I think it is important that we look at the big picture. In looking at the big picture, the most important thing for us to bear in mind is that the River Murray is one very large system, and the solution that will work for the system is one that has to be applied across the length and breadth of the system. I am reminded of an incident that occurred some years ago in the context of fisheries that really highlights this matter. Some members of this parliament might recall this, others might not, so a very brief background is perhaps worth spending time on.

Some years ago, the state of South Australia and the commonwealth issued licences for the capture of prawns in St Vincent's Gulf. The state issued licences that had an effect up to the end of state territorial waters, as they then were, in the gulf, and the commonwealth issued licences for the area in Investigator Strait. Unfortunately, no-one told the prawns that they were two separate fisheries. The prawns were under the mistaken impression that there was one area in which they lived and bred. Surprisingly, because the view of various governments was at loggerheads with the view of the prawns, something had to give.

No member of this chamber will be surprised to discover that what gave was the production of prawns because they were being mined or fished twice, although mining is probably a more accurate description of the way prawns are caught, using nets. Nonetheless, they were being mined twice in the same fishery, and their stocks plummeted. Eventually, commonsense dawned on people involved in this matter

because no-one was able to catch enough prawns to make themselves viable. It was obvious that something had to be done. Eventually, an arrangement was made whereby the surplus licences were purchased by those who remained in the system. The number of people taking prawns out of the gulf reduced, and members will be pleased to know that the story has a happy ending because the number of prawns in the gulf increased.

Commonsense prevailed over bureaucratic stupidity, and that is what we are looking at ultimately as a solution for the problem of the River Murray. Much as Gulf St Vincent and Investigator Strait are not separate fisheries, so the Murray-Darling system is not a series of separate systems divided by arbitrary state lines drawn by some official in the British Colonial Office at some point in the 19th century. They are one river system.

Until we have a solution to this problem that is based on a recognition of the fact that we have one river system, one resource, we will not solve the problems of that system and that resource. This parliament does not have the constitutional power to deal with the length and breadth of the system but, through the initiative of this bill, we can produce solutions to the problem in South Australia that, hopefully, will be able to act as blueprints for a more concerted national plan and solution to the problem.

The two areas that I think need to be the focus of any solution to this problem are these. First, the present system throughout the commonwealth, different as it is, does have apparently one feature in common, which is essentially that individuals wanting to have access to water have a water allocation. That water allocation means that they are entitled to take a certain amount of water. In some respects, it is useless to talk about increased efficiencies if we bear in mind that the only cost to the producer is the cost of the allocation, not the cost of the water.

For example, if a farmer takes a given quantity from the river system and improves the delivery of the water to their crops by a factor that doubles the amount of water they have available to them or, if you like, halves their usage of water, what happens to that extra allocation? Is it returned to the river by way of a dividend, or is it simply used as an excuse to put in more crops and use the additional water up to the limit prescribed by the allocation? The answer, all too often, is the latter, that is, efficiencies that are derived out of the improved use of water simply result in the same amount of water being used over a larger area but more efficiently.

That is not delivering any value to the system, and part of the reason it is not delivering any value to the system is that there is no cost for the water used. Sooner or later there has to be some balance struck between the concept of a water allocation and the concept of the cost per unit of water used. I would like to endorse the remarks made by the member for Colton when he talked about the fact that there is a very important linkage that needs to be drawn between the amount of water used and the value to the community of that water used.

If you have a water allocation system which does not charge per unit of water, you have the ridiculous situation where water from the Murray system can be used basically to cool down crops (such as in the case of cotton or, more particularly, rice) I suppose, rather than getting higher value out of that water by using it more efficiently on better suited crops. Whilst I do not pretend to be an expert on agriculture, my understanding is that the crops we are talking about here of rice and cotton are not crops which are native to dryland situations. They are in fact crops which grow and, by their origins, are designed to grow effectively in areas where a large amount of water is available—in equatorial Africa or in Asia. So, what we are using is a river system which has completely different characteristics to those from which these crops came. We are forcing that system to replicate an environment which is not characteristically part of this part of Australia, anyway, in which these crops are being grown.

It comes back to the point I have already made: if you simply have a water allocation system operating, there is no incentive on users of water to improve the value the community gets for that water. The real economic value of that water to the community needs to be charged back to those individuals who are using it. That is the only way that we are going to see improvements in water usage and productivity—through water usage returned by way of increased flows or dividends to the river system itself.

I repeat: if all we do is work on a system of water allocations, we are simply going to encourage larger and larger farms, which correspond broadly with improvements in technology that make the given amount of water go further. They will not necessarily produce dividends for the river system and, of course, there has to be a dividend for the river system if the system itself is to remain viable.

With those few remarks, I would like to endorse the proposal that is being put forward in this bill. I urge members to look to the bigger picture rather than become preoccupied with particular matters. I accept that some of the matters raised by the member for MacKillop are probably worthy matters. Nonetheless, if we focus too much on that level of detail, we risk being like Nero fiddling while Rome burns. We need to focus on the big picture, and the big picture is that this is a single system: it is a system which is in crisis; it is a system which crosses a number of jurisdictions; it is a system, if it is not effectively dealt with by this and other governments within Australia, that will fail, to the great cost of particularly the people of South Australia.

Mr BROKENSHIRE (Mawson): Clearly, anything that is going to be in the best interests of the River Murray—the lifeblood of South Australia, in particular—is something that is of enormous interest and concern to all members of parliament and, indeed, the South Australian community. Whilst overall I am intending to support this bill, I have a lot of concerns about not only the structure of the bill but also about the real intent behind the bill—in fact, will this bill deliver for South Australia? From the government's point of view, this bill had better deliver for South Australia, because, as with some of the other commitments that the government has made, some of it semi policy on the run—which has even been admitted by at least one minister, to whom I give respect for being frank about it—it could come back to bite this government big time.

From my observations, quite frankly, this is more about media promotion rather than achieving real outcomes. While I know there will be a big session during the committee stage, I do not blame the people who drafted this bill for that. Having looked at this bill, and knowing the skills and commitment of the people involved in its drafting, I believe they have clearly done their very best under extremely difficult instructions from the government. In fact, it is amazing. I cannot remember in recent times seeing so many amendments plonked on my desk in this chamber as members speak during the second reading stage of the bill. There is a

great wallop not only from the minister himself but also from individual members.

I wonder whether this bill should be called the River Murray policing bill rather than the River Murray Bill. The bill includes major clauses on authorised officers; the works that the minister may undertake; management agreements; entry onto land; compulsory acquisition of land; general duty of care; protection orders; rehabilitation orders; and even interim restraining orders. In my opinion, it is more about heavy handed policing than it is about getting to the core root of the problem. I believe firmly that most of what is in this bill—not in its entirety; I give credit for some proposed new initiatives—is already covered by a series of acts, some of which have been around for a long time and some of which were brought in during our term in government.

At the end of the day, people need action on cleaning up the River Murray, not another bill debated by politicians late into the night. We also need common agreement, not in a couple of years but urgently when it comes to things that affect the whole Murray-Darling system, which is of national interest. It is one of the most important sources of water in the whole of Australia. Often we hear the Labor government saying that every state has a Labor government. There is the chance. If members opposite believe that they can really do something, let us see all the Labor ministers get together. They have the money now. This state has a surplus; Bob Carr apparently has balanced the books for seven years; and there is money around through NHT. That is where I would like to see the action.

At the end of the day, the biggest thing is water flow. That is why the river is unwell. I flew home from a conference in Queensland in spring last year and I followed a lot of the river system back to Adelaide. You only have to get into the air to see how unwell the river is at the moment. Unless they increase the flow, they will not address the problem. Certain things can be done in the meantime. What we did in government by removing salt in the upper reaches of the River Murray in South Australia, as a result of the salt interceptors, has shown benefit.

I go to Renmark every year and, while there are still enormous problems there as well, I believe that things have improved in the past several years from what they were when we first started going up there three or four years ago for recreation. So, an initiative was put in there by the former Liberal government. Members only have to drive through Loxton to see that initiatives can be put in place: they have got rid of water channels, put in pipes, rehabilitated the area and modernised the opportunities for more efficient irrigation.

I declare my potential conflict of interest as a dairy farmer, but I want to speak on behalf of my dairy farming colleagues, because I am a voice for my colleagues in this parliament. I am appalled at what the government has done when it comes to the mistreatment of dairy farmers along the River Murray flats; and also the amount of money that has been cut from what was allocated and available to rehabilitate the swamps.

What we are going to see is dairy farmers who will have to walk away from the River Murray swamps, and families and communities are going to suffer. What is going to replace them, I shudder to think. I am not sure that it is actually going to be in the best interests of the River Murray to see what will potentially replace those dairy farming families. Then today—the day we are expected to debate this bill—I am given a map called the 'River Murray Protection Area Map'. It is a very interesting map, because if anyone thinks that we are debating the River Murray, they are wrong: we are debating a far wider and greater area than that.

I think it is appalling that a government that says that it is open, honest and accountable and gets out and negotiates and advises the community of what it is doing should be giving that to members of parliament the day we debate the bill. I wonder what my constituents and my fellow citizens who live on the Fleurieu Peninsula think about the fact that, all of a sudden, overnight, places like my home town of Mount Compass are going into the River Murray protection area. I never received any material in the mail advising me that we were going to be in a de facto sense proclaimed as a result of this bill.

This bill talks about having control over water above ground and underground. It talks about management practices and the whole gamut of impositions and imposts on people who are trying to provide for their families, yet what this bill does not talk about is what the government is going to do to assist with a resource that is important to the whole community. The whole community should be financially contributing: it should not be a matter of putting it back to people who for generations have been looking after this so-called River Murray protection area and doing their level best.

Mrs Geraghty interjecting:

Mr BROKENSHIRE: The honourable member on the other side says, 'Someone has to pay for it.' I suggest to you that the whole South Australian community should pay for it.

Mrs Geraghty interjecting:

Mr BROKENSHIRE: Well, I can't hear very well.

Mrs GERAGHTY: On a point of order, sir, the member opposite has attributed a statement to me that is just not true. I did not say what he said and I ask him to withdraw.

The DEPUTY SPEAKER: Order! The member for Torrens has the opportunity to put her point of view when she speaks. I think that is the appropriate mechanism by which to do it.

Mr BROKENSHIRE: If the honourable member did not say that, I withdraw that remark. But the point has to be made that the whole South Australian community should be contributing to this. There should not be unfair pressure put on families that have been generating economic opportunity and job creation in this state for so long. Whilst I acknowledge that the environment, the management and the health and wellbeing of this river are paramount to the whole community, this bill has the potential to work against the wellbeing of the economy, jobs, and rural and regional South Australia: not to assist it but to work against it.

One example that I have just given is the decisions of the government already with respect to the River Murray dairy farmers. Dairy Farmers is a company that has just put $6 million of investment into Jervois, and the minister is going to have full veto on all that area because of its proximity to the river. That company is now saying that it is going to question whether or not it should be putting in further money to upgrade plants and the like in South Australia. I do not believe that the government has thought this through very well at all. As I said, this was made up because our government did have a good record on getting on with the job of cleaning up the River Murray and, arguably, was leading the debate nationally when it came to what was happening with the River Murray.

We did not hear a lot from opposition members for quite a time until they pushed for a select committee, because they realised then that the previous government had momentum

and was serious, committed and determined to do something about improving the health of the River Murray. Then, one day, they said, 'We have to make another policy decision. We will make a minister for the River Murray.' We already have a Minister for the Southern Suburbs, and it will be interesting to see what other dedicated minister we will get in the future—probably one for the northern suburbs. Then they said, 'We will have one-stop shop, all-encompassing legislation called the River Murray Bill.' As I said, and I repeat, one could argue that it may well be called the River Murray policing bill, because it seems to me to be more stick than carrot when it comes to how we should manage the River Murray.

I intend to ask the minister in the committee stage what consultation has occurred with the broader community with regard to the suggested or recommended area of the so-called River Murray Protection Area, because I do not believe that a lot of people (indeed, most people), particularly in the area from Goolwa through to Keyneton, Eden Valley and Mount Barker, are aware that a great impost will be put on them.

As I said, when we get into the committee stage and we start to get into the nitty-gritty of all of these clauses, we need to make the community aware that some of this stuff is very Draconian and some of these officers have powers that, from what I can see, are equivalent to the powers of the mainstream South Australian police. I have always been concerned, quite frankly, whilst I acknowledge that there has to be an environment department, that so much power has already been given to the environment department, including in a lot of areas that used to be looked after by the primary industries department. So much now has gone into the environment department, with a new name. Again, when looking at this bill, this minister will have power over other acts that, in the past with respect to the River Murray, were considered by other ministers.

In a sense, I actually feel sorry for this minister, because he will be in an interesting situation when he takes certain submissions into cabinet because he will have two or three issues to deal with. One is that, from my understanding, he has not been guaranteed any extra funding. In fact, as I have already said, I believe—as our leader has already highlighted tonight—that there have been real cuts in the money for the rehabilitation of swamps, and I am happy to go into that further with the minister when we get into committee. I have not heard of any new money that has been given with this bill. So, this minister has all of the powers over other ministers but he does not have a basket of new money to be able to do anything. So, therefore, it means two or three things. First, although he has the powers, around the cabinet table he will have to convince his colleagues that their money should be going into his control and care as the Minister for the River Murray. Second, there is a worry that because he does not have the money he will exercise the powers and put more pressure on the general community—the property owners, the farmers, the horticulturalists, the graziers—and demand that they put money into areas that he sees fit because of the far-reaching powers that are in this bill, without—

The Hon. J.D. Hill: Aren't you exaggerating just a bit?

Mr BROKENSHIRE: The minister says, and I will put this on the record, that I am exaggerating a bit. I hope that I am, but I say to the minister: if we get examples of people being treated unfairly in the way that they need to go about the management practices of their business—be they dairy farmers, horticulturalists, viticulturalists or graziers—what I have said tonight will come back into this house in the form of a series of questions to the minister. At the moment, I have to say, in rural and regional South Australia and particularly with what we have seen so far along the River Murray, there is not a lot of confidence and certainly very little goodwill between the agricultural industries and this government.

We have seen that demonstrated in relation to things such as crown leases and the work that is going on to try to rectify that knee-jerk decision that was going to have a multi-million dollar impact on pastoralists and people with crown leases, and I fear we may see it with this particular bill. As I have said, the River Murray is a very important lifeblood to South Australia. As has been said by a number of other members, this government recently attacked other states for the way in which they were managing water control, yet during one of the worst drought years we have had, in fact the worst drought throughout parts of South Australia—and indeed in the Murray-Darling catchment area it was the worst drought for 100 years (less than 10 per cent of irrigators in some of those states were able to pull water out of this system)—we never even saw water restrictions in Adelaide.

Well before better management practices were put in place, and when many of us were at school in the 1960s in particular, water restrictions were imposed quite regularly and there were also good programs in the schools to educate young people about the fact that we live in the driest state in the driest continent in the world, yet this government chose not to implement water restrictions this year. Why? It was because Treasury—nothing to do with the environment, I might add—said that it needed the money. It has been governed by Treasury and not by the environment. Other governments in the eastern states are very upset that this government has been trying to give them a whack around the ears, but at the time when they were addressing issues of concern in respect of the overall River Murray-Darling system this government did not even introduce water restrictions to show some goodwill towards the irrigators and the governments that have an interest in this system.

That has not worked in the best interests of achieving the additional water flow which is needed right now and which, at the end of the day, will be the only way that this river will be fixed. I challenge anyone to disagree with me on that because the number one problem with the river is the lack of water flow and everything else is secondary. However, this government has to stop much of the rhetoric. It has to stop legislating in this parliament. It has to spend the surpluses to which it finally admitted late in December and honour the commitments that have been made to primary producers—and budgeted for—in relation to rehabilitation.

The government needs to show some genuine commitment to the community of South Australia and to address these issues rather than just legislate, put out another press release and get a front page story, or go to a few COAG meetings and, in three years' time, still not have made any improvement. I hope it does. I wish them well, and I will help in a positive way wherever possible. However, we must see a big improvement in this river in three years or, in my opinion, this government will have much to answer for.

Mr HANNA (Mitchell): On behalf of the Greens, I am pleased to support the second reading of this bill. That means I support, in principle, what the government is trying to achieve in the River Murray Bill, which it brings to parliament. I start first with principles. For the Greens, one of the pillars of the philosophy behind the party is ecologically

sustainable development, which was defined in the national strategy for ecologically sustainable development in 1992, and that definition still serves us well. It is worth reminding the parliament of these principles because they really do form the backdrop to what the government is trying to achieve with this bill.

Ecologically sustainable development is using, conserving and enhancing the community's resources so that ecological processes on which life depends are maintained and the total quality of life now and in the future can be increased. The goal of ecologically sustainable development is development that improves the total quality of life both now and in the future in a way that maintains the ecological processes on which life depends.

Three core objectives can be stated: first, to enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations; secondly, to provide for equity within and between generations; and, thirdly, to protect biological diversity and maintain essential ecological processes and life support systems.

Before turning to the current issues concerning the River Murray, I want to outline some principles of integrated natural resource management. It has become apparent in the work done on the River Murray, and the environment generally in recent years, that the way forward is to integrate government approaches to issues such as native vegetation, water resources, pollution, soil erosion and so on. So, the concept of integrated natural resource management has become a current catchphrase. I believe that this government will introduce legislation to promote this concept, and it is a concept that the Greens support.

The principles underpinning this approach can be summarised as follows. It means ecologically sustainable development, so that healthy ecosystems are preserved and enhanced and biodiversity is preserved. It means that the people who derive benefit from the use of natural resources, such as industry, land-holders, individuals and communities, also take responsibility for managing those resources sustainably. That, in turn, means that a partnership is required among the various groups involved and, of course, government needs to be part of that equation as well.

Particular mention needs to be made of the rights, responsibilities and knowledge of indigenous Australians, and that is particularly the case with the River Murray, because the River Murray has been significant to indigenous Australians for tens of thousands of years; indeed, an elaborate aboriginal dreaming accounts for the twists and turns of the river and many of its natural features.

The principles of integrated natural resource management also involve a mix of policy instruments; in other words, there needs to be an appreciation of what market based solutions can provide, as well as a regulatory framework, which means that the government can prohibit behaviour which will wreck one aspect or another of the natural resources in a particular area. One also has to consider the different levels of government, particularly in our peculiar constitutional arrangements where there are all kinds of restrictions on the powers of the various levels of government, whether it be local, state or federal.

It is also important that our priorities in respect of natural resource management are based on the best available science and experience. We cannot afford to do everything and, in relation to the River Murray, we are talking about billions of dollars of expenditure that is required to bring the river into a modest degree of health. We cannot do everything at once: the solution has to be developed over time. So, we need to set priorities, and this bill is part of that whole process.

Particular mention needs to be made of the role of communities in achieving these outcomes, so that our empowerment of local communities and training—whether it be leadership training or training in particular skills which are useful to the preservation of natural resources—needs to be built into government thinking, too.

Numerous current issues concern the River Murray, and I will briefly outline most of them, because they form the backdrop to this legislative measure. Of course, one of the issues that is easiest to understand in the collective mind of the community is the amount of water coming down the river. In one sense that is governed by the cap, and the cap is a limitation on the overall amount of water that can be taken out of the River Murray, both in South Australia and upstream in the other states. We need that flow, but we need not only a greater volume of water coming down the river for environmental purposes (as well as our drinking, industrial and agricultural uses) but also a much greater variability in the flow. We can only manage our wetlands and flood plains properly if we have some semblance of the periodic flooding that used to take place in pre-European settlement days.

Another issue that is widely understood is salinity: the fact that our landscape is slowly being encrusted with salt, as salt rises to the surface and it becomes more difficult for land already cleared of trees to maintain any sort of vegetation. There is also the issue of biodiversity, and you do not have to be a member of the Greens to appreciate that we have such a wide range of flora and fauna species in the Murray-Darling. It is in the interests of all of us that those species are preserved and that, as far as possible, the ecology of that entire basin is preserved. To a very large extent I do believe that that can be done consistent with the continued exploitation of the river resources for human purposes.

Other issues are partly touched upon in this bill, for example, issues around the institutions in Australia that deal with the River Murray problems. The Murray-Darling Basin Commission could be improved, the community input to the official processes could be improved and the interstate arrangements could be improved. This bill, of course, focuses on South Australia and does not fundamentally alter the institutions that govern the behaviour of people in respect of the River Murray in South Australia, but it does streamline the processes whereby local government and other government agencies require the watchful eye of the Minister for the River Murray before certain behaviour that will affect the river is approved.

The other matter I wish to mention by way of background is the select committee into the River Murray, or, as it was called, the Select Committee on the River Murray. That committee met over about 18 months from the end of 1999 to July 2001 when it tabled its final report. That final report included 97 recommendations. It was probably one of the most significant committees that has ever been constituted in the history of the parliament of South Australia, and I appreciate the endorsement of a couple of former members of the committee when I say that—the Member for Norwood and the Speaker (the Member for Hammond) concur in my remarks.

The way in which the committee worked was as important as the subject matter that it was addressing. Most of the members of the committee are in the current parliament and they include the member for Chaffey, the current minister, the current shadow minister, as well as the members to whom I

have just referred and me. A remarkable spirit of cooperation underlined the significance of the work we were doing. I made a number of points in parliament after the select committee reported and, if people want to refer to my remarks, they were made on 25 July 2001. Perhaps the most significant quote from my remarks that day is:

> Water arguably is and certainly will be the single biggest inhibitor to the agricultural, industrial and demographic growth of South Australia if we do not do something about it urgently.

I certainly stand by that statement. This bill now goes part of the way—a small but important step along the way—in doing something tangible about the River Murray's problems.

I wish to say a little more about the subject matter covered by the committee because so many important issues were covered. I have already mentioned some of those key issues such as salinity, the flow in the river, the attention to be given to wetlands and changes to institutional arrangements. Another very important recommendation was that there be established by the South Australian government a national water exchange to oversee the administration and management of the water market in the Murray-Darling Basin. This is the way of the future and the market has a very useful role to play in allocating water, both equitably and with respect to environmental needs.

The price of water that many people in South Australia and other states pay at the moment is simply too low to achieve all our social objectives. A free trading of water with an appropriate price will have substantial environmental impact, provided we can preserve part of the flow for environmental uses. That ties in with one of the recommendations of the select committee, which was for the establishment of a water trust so that water effectively could be saved and used at a later time. The water conservation trust was also mentioned by the member for Chaffey. I commend to any readers of *Hansard* not only the select committee report but also the status report on the implementation of the recommendations of the select committee published by the Department of Water, Land and Biodiversity Conservation in February 2003.

In the few minutes I have remaining, I turn to the bill itself. I support the structure of the bill. It is important to have general overall objects and also important to have specific objectives in regard to the river itself. I support the Liberal amendment, which prevents the government altering those healthy River Murray objectives simply by regulation. It is too important for that to be altered in that way. I support the role of the minister as outlined in the legislation, although I agree it is worth spelling out if only for symbolic purposes that there should be a leadership role nationally for our own minister.

There is one subject of amendment which will be the nature of the parliamentary committee to come out of the bill and there will be amendments, which have been tabled in my name and for which I believe there is a fair degree of support. In summary, the Greens support the principles behind the bill. It is important for the minister to have a firm control on development of all kinds along the river and the bill does what it sets out to do. It is with pleasure that I support the River Murray Bill.

Mrs HALL secured the adjournment of the debate.

ADJOURNMENT

At 10 p.m. the house adjourned until Wednesday 26 March at 2 p.m.