HOUSE OF ASSEMBLY

Wednesday 28 May 2003

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

DE ROSE HILL APPEAL

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: The appeal from Justice O'Loughlin's decision in the De Rose Hill case is currently being heard by the Full Court of the Federal Court sitting in Adelaide. As the case was the first native title claim to come to trial in South Australia and the proceedings were commenced in the time of the previous government, I think it is appropriate that I say a few words about this government's position in the appeal. Justice O'Loughlin's decision at first instance was delivered in November 2002. He decided there was no native title over the claimed land for a number of reasons, most notably that the claimant group could not establish a continuous connection to the claimed land. The claimants have appealed that decision.

Shortly after Justice O'Loughlin delivered judgment in the De Rose Hill case, the High Court handed down its decision in the case of Members of the Yorta Yorta Community v the State of Victoria and Others in December 2002. The Yorta Yorta case contains a number of statements from the High Court about native title generally and, in particular, what claimants have to show to satisfy the requirements of the Commonwealth Native Title Act 1993. The Full Federal Court must now consider and decide the De Rose Hill appeal according to the law as it currently stands.

The state is a respondent to the appeal. The state has taken issue with some aspects of Justice O'Loughlin's judgment and with many points raised by the claimants in their appeal. It has also taken issue with some of the contentions put by the pastoralists. In any court matter where some individuals assert rights to public land that will affect the rights of others, the state has a duty to ensure that those asserting the rights fulfil the legal requirements to establish rights over that land. This is no different from any other claims that might be made against the state.

The state is adopting a measured approach to the appeal. It seeks clarification of some of the trial judge's findings in light of the subsequent High Court judgment in Yorta Yorta. The state is obliged to respond to and to assist the Full Court. It is reasonable and appropriate for the state to refer the appeal court to these issues. The state's approach has been developed by experienced native title barristers who appeared in the trial and has been reviewed by the Solicitor-General, who is representing the state in the appeal. It is consistent with our duty to act as a model litigant whenever we come before a court. I take this opportunity, however, to reiterate this government's clear preference for and commitment to resolving these matters by agreement wherever possible rather than going to court.

The previous government initiated state-wide negotiations with Aboriginal people, farmers and miners to try to resolve native title claims and related matters of how land and resources are used. These agreements are referred to as the Indigenous Land Use Agreement (ILUA) negotiations. The Rann government has continued that initiative and expanded the negotiations to include fishing, aquaculture and local government representatives. It has also expended considerable resources in the past to assist native title claimants, the ALRM and the Congress of Native Title Management Committees to explore the issues from an indigenous perspective and to negotiate with the government and the other parties.

By talking about the issues outside the formal court process for dealing with native title claims, it is the government's hope that the claims can be resolved in a less divisive and adversarial manner.

Importantly, this government has recently adopted a policy that, in appropriate cases, will allow the state, claimants and other parties to approach the court and seek a determination by consent that native title exists in particular areas. By continuing to progress the discussions about ILUAs and consent determinations jointly, it is my hope that ALRM and the state can minimise the need for contested litigation of these matters in future.

TREE CONTROLS

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: On 20 April 2000, significant tree controls were introduced throughout metropolitan Adelaide. These controls were in response to widespread public concern about the need for an end to the unchecked destruction of large trees in the urban environment. Under the legislation, a review is required after two years of operation. Accordingly, in August last year I appointed Commissioner Alan Hutchings of the Environment, Resources and Development Court to undertake the review. I take this opportunity to thank Commissioner Hutchings for his efforts in conducting his thorough review.

Commissioner Hutchings met with a wide range of interested parties and considered over 100 written submissions made by conservation bodies, industry, local government and members of the community. Commissioner Hutchings' recommendations clear up the confusion around the controls and create consistency and certainty for developers.

Six metropolitan councils were particularly concerned about protecting their significant trees. The cities of Adelaide, Prospect and Unley have prepared interim plan amendment reports which specifically list individual trees as significant. I will approve those plan amendment reports so that the protection of their listed trees is permanent.

I have also asked Planning SA to continue discussions with the City of Burnside and the City of Norwood, Payneham and St Peters with respect to their plan amendment reports to make them consistent with those of the cities of Adelaide, Prospect and Unley.

The most effective and consistent way of assessing whether or not a tree is significant is by measuring the trunk circumference one metre from the ground. The most workable measure is a two metre trunk circumference threshold. This is a compromise between those councils which advocate for a 1.5 metre circumference and those that want a 2.5 metre circumference. At two metres, any activities that could damage the tree will need to be the subject of a development application.

It should be remembered that just because a tree is regulated in this way does not prevent its removal: it merely triggers the planning approval process. Because there are currently six councils on interim controls which expire at the end of next month where a tree is deemed to be significant if the trunk circumference is greater than 1.5 metres, and a further 14 council areas where the tree is significant if the circumference is greater than 2.5 metres, the two metre circumference will provide greater protection for a greater number of trees.

To assist councils in determining development applications, I will prepare a ministerial plan amendment report so that councils have adequate information and clear policies about what is required to properly protect significant trees in site planning and design—including, importantly, the need for an increased emphasis on root zone protection.

Although the existing legislation responded to community expectations to protect significant trees, often the penalties have been ignored. The primary penalty being considered in the government's package is tree replacement. Any significant tree that is removed illegally will have to be replaced with a similar mature tree in the same place as soon as the landowner reasonably can and will have to be maintained. This will mean that there will be no advantage—

Members interjecting:

The Hon. J.W. WEATHERILL: The hack and burn members opposite, those who want to chop down our urban forests, are not pleased by this.

The SPEAKER: Order! The minister has leave to make a statement, not to engage in debate.

The Hon. J.W. WEATHERILL: This is a balanced package. It gives real protection for significant trees while giving the consistency demanded by developers. The legislation will apply to a total of 20 metropolitan councils from 1 July and, if requested by the relevant council, any rural councils that wish to have this legislation apply in their townships will also be included.

Members interjecting:

The SPEAKER: Order! The member for Unley will cease to exercise his gums.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 25th report of the committee.

Report received.

QUESTION TIME

FREEDOM OF INFORMATION

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Administrative Services. Will the government continue to claim that it can rely upon parliamentary privilege to refuse freedom of information requests regarding information about the budget? The opposition has been constantly refused freedom of information requests for information on the 2002 budget cuts of $967 million on the basis that this information has been given to ministers for tabling in parliament and is therefore the subject of parliamentary privilege. However, this information has never been tabled by the ministers and remains unavailable for scrutiny.

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the honourable member for—

Members interjecting:

The SPEAKER: Order, the Premier, the member for Mawson and the Deputy Premier!

The Hon. J.W. WEATHERILL: This is a particularly penetrating question when one remembers that these budget cuts, which are apparently a mystery to members opposite, the ones that have been implemented over the full 12 months, are a matter of such controversy and harm in the community that, after 12 months, those opposite are still unaware of them! These devastating budget cuts that are wreaking havoc in the community fully 12 months after the previous budget was put in place are a mystery to those opposite. The community alarm about these budget cuts is such that they are still scrabbling around with FOI requests trying to find out the effect this is having in the community. All that must say for the Treasurer—

The Hon. DEAN BROWN: Sir, this is an important issue in terms of information to this parliament under freedom of information and access to members of parliament who have a right to know what was in last year's budget. I ask you, sir, therefore, to bring the minister back to answering the question, which relates to the protection and why they are not tabling this information under freedom of information.

The SPEAKER: The minister knows that under the explicit standing orders it is necessary for him to answer the question and not debate the same, in the same way that members asking questions may only ask the question and give so much information as may be necessary to explain it. To that extent I am listening carefully to what the minister says, but feel inclined to let the minister know that to date he has been wider of the mark than appropriate.

The Hon. J.W. WEATHERILL: I will attempt to home in and assist the house with the background to this request because its important to understand the context. This is a request for information about budget cuts, which apparently have been so unfelt within the community that members opposite are still unaware of their existence and are still requesting information concerning them. It must be the case that the Treasurer's preceding budget was well targeted because it has obviously selected those cuts which simply have not found any resonance within the community, and members opposite are simply unable to identify them: it is a mystery.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will come to order.

The Hon. J.W. WEATHERILL: They raise a question in relation to seeking information on budget cuts. It needs to be understood that the particular route by which they sought this information was through an estimates committee process, where they had access to every minister on this side of the house for as long as they wished, either on notice—

Members interjecting:

The Hon. J.W. WEATHERILL: The reality is that you could ask questions on notice. Everybody was here live and kicking and you could ask whatever you wanted. Because members opposite could not get themselves organised to ask any questions of any substance, they then sought to—

The Hon. DEAN BROWN: On a point of order, sir, the minister seems to be getting himself further and further from the question and, therefore, from the ruling that you gave and, I might add, deeper into hot water. This is about the operation of the FOI Act.

The Hon. J.W. WEATHERILL: It is important to trace the history of this because the particular claim—

The SPEAKER: Can I help the minister to address the substance of the question?

The Hon. J.W. WEATHERILL: I am addressing the substance of the question, sir, and it concerns a claim of parliamentary privilege which arose in the context of questions that were asked in a parliamentary estimates process. In the course of the parliamentary estimates process, members opposite sought, notwithstanding that they had access to ministers, to all the public servants and to a question time that would have allowed them to ask those questions, they then sought to make an FOI application in respect of a whole range of documents that were then used to formulate answers to the questions asked in the estimates committee process. It is over those matters that the claim of parliamentary privilege was asserted by FOI officers—they are the facts of the matter. FOI officers act independently of executive government.

Members interjecting:

The Hon. J.W. WEATHERILL: I can appreciate why members opposite laugh, because so much was not the case in the previous government. FOI officers act under a statutory mandate. When they are asked to deal with an application (as they were from those opposite) about FOI-ing the documents that were put together to assist ministers to answer questions asked during the estimates committee process, the FOI officers sought the Crown Solicitor's advice. The Crown Solicitor's advice was that those documents that were brought into existence for the purpose of answering questions in an estimates committee process attracted parliamentary privilege. That was an interpretation that was a surprise to me, but that is what the Crown Solicitor's office advised, and FOI officers were obliged to follow that information—as were ministers—in dealing with these applications.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: To the extent that those opposite have some difficulty with the scope and extent of the notion of parliamentary privilege, that is a much broader debate that perhaps needs to be had. But that is the essence of why the claim was made. It was certainly not something that was initiated by anyone in executive government. It was the orderly process of receiving advice about how to deal with an application for information lodged by those opposite. They can complain about it, but we seek advice and we act on it. We do things in accordance with legislation. We abide by the spirit and intent of the Freedom of Information Act—and I remind you, sir, that I refer here to the very clause that those opposite sought to strike out of their compact with you.

HEZBOLLAH

Mr SNELLING (Playford): My question is directed to the Premier. Has the Prime Minister written to the Premier in relation to the terrorist organisation Hezbollah and, if so, what has been the Premier's response?

The Hon. M.D. RANN (Premier): The member for Playford is extremely well informed. This government believes that Hezbollah should be banned in Australia. This year, the state has referred powers to the commonwealth that enabled it to outlaw terrorist organisations in Australia. The Prime Minister has written to the Premiers proposing to revisit the legislation passed by the commonwealth following the reference of powers by the states. This is because, under the federal act, he can only outlaw terrorist organisations that have been declared as such by the United Nations Security Council.

The Prime Minister expressed particular concern about the terrorist wing of Hezbollah, a Lebanon-based Islamic group with global reach, that could have an impact on Australia. Hezbollah cannot be listed under the Criminal Code as an outlawed organisation because it has not been expressly identified in, or pursuant to, a decision of the United Nations Security Council. The commonwealth Attorney-General says that the risk of an attack by Hezbollah's terrorist wing means that he should have the discretion to ban specific organisations that he deems a terrorist threat.

Today I have written to the Prime Minister, indicating that we agree that action should be taken to ban the terrorist wing of Hezbollah in Australia. We agree that strong and decisive action is necessary to counter terrorism. However, I reminded Mr Howard that this parliament acted quickly to refer powers to deal with terrorism to the commonwealth, and I have urged the Prime Minister to consider the federal opposition's proposal to deal with the threat posed by this group. Simon Crean has proposed a quick, simple and strong response to the Prime Minister's request. The federal opposition will agree—

Ms Chapman: Wrong again!

The Hon. M.D. RANN: It is interesting that I am talking about a threat from a terrorist organisation and the member for Bragg yells out 'Wrong again'. Simon Crean has proposed a quick, simple and strong response to the Prime Minister's request. The federal opposition will agree to amend the Commonwealth Criminal Code to specifically identify the Hezbollah external terrorist organisation as a terrorist organisation. I believe that the Prime Minister should consider this proposal, which would see the explicit imprimatur of the commonwealth parliament on a ban on this organisation.

The states have not yet seen the federal government's proposed amendments, but I have some reservations about a broadly expressed power to proscribe. I have indicated to the Prime Minister that I look forward to seeing his draft amendment. However, the federal opposition has taken a constructive approach, and I think that the Prime Minister would do well to look again at that solution. Let us have a bipartisan approach, in the national interest, for this most serious issue.

Ms Chapman interjecting:

The Hon. M.D. RANN: I find it simply astonishing that the member for Bragg says that this is a bad law. Every Premier of this country, and the chief ministers of this country, agreed with John Howard to pass this legislation, which passed this parliament with, I understand, the vote of the member for Bragg. Now she is calling across the house that it is a disgrace and that it is a bad law. I think, perhaps, her run for the leadership has just foundered on the bed of our campaign against terrorism.

Members interjecting:

The SPEAKER: Order, the member for Mawson, for the second time!

STATE BUDGET

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Treasurer. On the eve of the Treasurer's second budget, will the government now answer the more than 100 unanswered questions arising from last year's budget?

The Hon. K.O. FOLEY (Treasurer): I look forward to bringing down the Labor government's second budget tomorrow. It will be a budget with far more information than ever provided by the conservative government. It will be far more open and far more accountable, and will contain far more information in the public domain, and I look forward to the honour of delivering that budget tomorrow.

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. I ask that you look at the last two answers, because the Minister for Administrative Services made the point that the reason why the government was refusing our requests for FOI on the basis of parliamentary privilege was that the information had been prepared for ministers to bring to this house. We cannot get the information through either FOI or through the house, so our rights as members of parliament are somewhat impeded by the fact that they are claiming parliamentary privilege.

The Hon. M.D. Rann: One of the last two answers was about Hezbollah.

The SPEAKER: Order, the Premier! In the circumstances, if the leader or any other member feels that the information provided by ministers during the course of responses to questions put in the last estimates committees of about 12 months ago are still either inadequate or unanswered, there are remedies available to them in the standing orders. It is not appropriate for the leader, under the guise of taking a point of order, to begin a debate without having a substantive motion before the house.

Equally, whilst he did not explicitly ask me to give an opinion about whether or not the standing orders are being observed or abused, I offer the view that it is probably more of the latter than the former, in the context of the last two answers. Of course, that is always a subjective judgment. The explicit questions asked did not get the explicit information sought. It is not within the power of the chair, under the terms of the standing orders in this or any similar parliament, to direct ministers as to what they must say. Standing orders merely provide what they may not go to and what they ought to say. The member for Norwood.

JACOB'S CREEK TOUR DOWN UNDER

Ms CICCARELLO (Norwood): My question is directed to the Minister for Tourism. What was the economic benefit to South Australia from the 2003 Jacob's Creek Tour Down Under?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Norwood for her question. I know her advocacy for any bicycle event and, in particular, her enthusiasm for holding a stage once again in Norwood. The Jacob's Creek Tour Down Under has been held in South Australia for some six years and, as has been my practice throughout the portfolio, I have been very keen to take every opportunity to bring tourists to our state and make them stay longer after a visit for other purposes, whether it be for arts events, conferences, graduation ceremonies or sporting events.

I was very keen to have a full economic impact study performed on the effects, both social and economic, of the Tour Down Under. It did surprise me somewhat to learn that this had not been done previously, because I would have liked to benchmark our achievements in terms of tourism against a baseline involving the numbers of interstate and overseas tourists and the full benefits of the advertising and marketing program. I would have held previous years as a starting point for that benchmark and comparison.

I was particularly keen that this special event should include tours, holidays and cycling holidays in overseas marketing, and we spent considerable effort and time in ensuring that companies involved in those kinds of cycling holidays knew about this event and were able to bring packaged holiday visitors to South Australia.

When one is spending other people's money, it is important not to spend tourism dollars on parties. I know that the member for Waite, who is bleating across the chamber, criticised me for not having a large enough party when I launched a tourism plan. I pointed out that holding parties at the launch of a draft tourism plan did not have much return or yield of investment.

Mr HAMILTON-SMITH: I rise on a point of order. The Minister for Tourism has just claimed that I made some statement about her not having a big enough party for a particular event—a statement which is untrue. I ask whether it is appropriate for the minister to make such a false accusation in the context of answering a question.

The SPEAKER: After consideration of the point of order raised by the member for Waite as to the legitimacy or otherwise of the remark made by the minister, which I confess I did not hear, I remind the member, and other members of the house who may feel similarly afflicted by some remark made by a minister in an answer, that they have recourse to a personal explanation at the conclusion of question time. More particularly, if words used, as adjectives or otherwise, to describe themselves or their actions are offensive, members may seek from me a direction as to whether or not those words are unparliamentary and whether it would be legitimate to ask the minister to withdraw them. Since that request was not made by the member for Waite, I will allow him to decide whether or not to make a personal explanation at the conclusion of question time. The honourable minister.

The Hon. J.D. LOMAX-SMITH: Thank you, Mr Speaker; I apologise. I should not rise to the interjections and respond. My view is that tourism dollars should not be spent on merely partying, but should be spent on activities that produce economic benefit. I am pleased to say that, thanks to our effort in marketing the Tour Down Under as a tourism event, we measured 207 full-time jobs generated and a $12.5 million economic impact in terms of bed nights and expenditure before an $82.7 million advantage in terms of media coverage, television highlights and broadcasting around Europe, Asia and the USA.

The significance of the marketing to bring extra tourists to the state for this event was that this time (and I can claim these numbers only as the first time because, unfortunately, a full economic impact study was never performed by the previous government) we achieved 10 200 interstate visitors and 600 overseas visitors; hence, a return on investment of 12:1. These figures were brought about partly because of the co-existence of our 'Drive' campaign. We found that, on average, the visitors stayed seven nights, 5.6 nights being spent in Adelaide and, on average, 1.4 in regional and rural South Australia. In addition, of course, there was the social impact, in that 385 250 South Australians enjoyed community events and lined the routes to cheer on the elite athletes. I think the important message here is that major events are not just about partying and having a good time. What they are really about is levering advantage, economic impact and jobs for our community.

VICTIMS OF CRIME

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Attorney-General. Will the government agree to make special provision to give victims of sexual crimes which occurred before 1982 the right to claims from the Criminal Injuries Compensation Fund? The Victims of Crime Act 2001 authorises the Attorney-General to make ex gratia payments to victims of crime. This is a matter at the absolute discretion of the Attorney-General and, at present, victims of sexual abuse which occurred prior to 1982 do not have the right to access compensation.

The Hon. M.J. ATKINSON (Attorney-General): These matters will be canvassed in a select committee report handed down later today, so I would not want to pre-empt the committee's report. What I will say, however, is that I will exercise the ex gratia provisions with a great deal more generosity than did the previous Attorney-General, the Hon. K.T. Griffin.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

Ms THOMPSON (Reynell): Will the Minister for Education and Children's Services outline what is being done to address occupational health, safety and welfare issues in technical studies areas?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the honourable member for her question and, in so doing, I acknowledge the very good advocacy the honourable member provides for her local schools, and particularly the conversations she has had with me in terms of advocating occupational health and safety matters for her local cohort of students. As the minister, I am very committed (as is the government) to improving the occupational health, safety and welfare practices within my department. Just recently the occupational health, safety and welfare policies within the whole department were updated.

The procedures throughout the department were updated, and a clear direction has been given to a commitment to safety and healthy working environments for all our employees and students in schools and preschools. I would like to inform the house that, recently, cabinet approved an additional allocation of $1 million to the education portfolio to be used in grants to government schools to address urgent occupational health, safety and welfare matters in high schools, particularly the physical safety of machinery for technical studies.

There are also some issues with respect to agricultural machinery used in the curriculum in some schools. This $1 million is to be immediately distributed to schools, and by 'immediately' I mean in a week or two. That will be shared by more than 100 high schools that offer secondary technical studies or an agricultural curriculum. In addition to those grants to schools and that assistance in attacking some of the most potential occupational health, safety and welfare hazards, additional training will be offered to our staff: $260 000 will be spent in safety training for technology teachers and the managers of those curriculum programs.

That is part of our commitment to continually improving the practices of the department. What must be understood is that many of the technical studies machines being used to teach students in our schools are quite old. Safety standards today are more stringent than in the past. They are not unsafe, but machines used to teach students trades such as woodwork and metalwork were built many years ago and recent audits of that machinery—including hand saws, belt discs and sanders—found that 7 per cent pose an immediate risk to health and safety according to current standards.

So, the additional money provided through grants to schools is to address those types of hazards in our schools. In the meantime, while any machine that does not meet those standards is tagged and removed from use, schools need to implement plans to upgrade and meet those standards, and the additional funding being provided by the state government is being welcomed by school communities in addressing that problem.

CHILD ABUSE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Social Justice. Following the public acknowledgment from the minister that she knew last year that FAYS staff were leaving abused children in an unsafe environment in their home due to a lack of resources, why has the minister failed to act for six to 10 months to protect those children? This morning, the minister said she was told during the Layton review that children were being left in their homes and at risk due to the lack of funds and staff, despite knowing that no additional funds and staff had been allocated for the last six to 10 months to protect such children. Yesterday, when I asked the minister for the extra staff and funds, the Treasurer described it as fiscal vandalism. This government is guilty of not protecting abused children.

The Hon. S.W. KEY (Minister for Social Justice): I think the question that the deputy leader has asked is a very serious one. I do not agree with the information that he has brought forward today about the so-called resourcing of this area, and I think it leads to the question that he asked me yesterday about funding in the child protection area. I need to remind the house that the document from which the shadow minister quoted yesterday looked at workload measurement and the progress report on practice audit of 2001, and states:

> A sustained pattern of non-adherence to the minimum standards has been a significant problem for some years.

So, while I understand the question that the member is asking me, and the answer will be revealed through an examination of the budget, I think that the deputy leader, having been the minister responsible for child protection in the past, really needs to think about his practice and the situation that I inherited, particularly in the FAYS area.

The SPEAKER: I am not sure if there is a ventriloquist operating on the opposition benches but, if it is the member for Mawson, he is shortly to take a walk.

The Hon. S.W. KEY: So, while there is a serious issue that needs to be addressed, I am assured by the staff who have responsibilities in this area that they attend to serious matters (tier 1 cases) and that there are tier 2 cases and tier 3 cases that need to be followed up, but I am assured by the department that no children are left in a situation where they are at risk of immediate or direct harm. If that is the other part of what the deputy leader is asking, they are the assurances that I have received from the department, and I received them as soon as I found out that these questions were being asked in the community.

ABORIGINES, AGED CARE

Ms BEDFORD (Florey): My question is to the Minister for Social Justice. What steps are being taken to assist older Aboriginal people understand aged care services?

The Hon. S.W. KEY (Minister for Social Justice): I thank the member for Florey for her question and acknowledge her interest and advocacy in areas to do with Aboriginal people, particularly older Aboriginal people, in our community. I am pleased to say that our government has been involved in a number of steps in supporting Aboriginal people and, last Friday, I had the privilege of launching a collaborative project to assist older Aboriginal people and their carers to access mainstream aged care services.

This is a two-year project that has been developed between the Aged Rights Advocacy Service and the Council of Aboriginal Elders of South Australia. The groups have a commitment to improve services for Aboriginal people throughout the state and assist in raising the concerns and complaints they may have. I am pleased that the newly appointed Aboriginal Advocate, Brian Butler, will help overcome any barriers confronted by consumers and ensure that services are provided in a culturally sensitive manner.

Having choice is an important issue and, for many Aboriginal people, choice has not always been readily available. The basic principle that the Aged Rights Advocacy Service has adopted is that older people have the right to be fully informed about decisions affecting their lives and their right to contribute to and participate in such decisions. This is particularly relevant to Aboriginal people who are or feel disempowered in their dealings with many service providers. The aims of the project are:

- better assistance to older Aboriginal people and their carers when accessing aged care services;
- ensuring that Aboriginal people have an advocate who can speak on their behalf or provide helpful support when they wish to represent themselves;
- providing accurate and timely information about consumer protections, including access to advocacy through the Aged Rights Advocacy Service; and
- to collect information which will assist the Council of Aboriginal Elders to identify gaps in support services.

The government supports the wonderful work of the Council of Aboriginal Elders in providing advice and leadership for appropriate services for older Aboriginal people.

ELECTRICITY, INTERCONNECTORS

The Hon. W.A. MATTHEW (Bright): Is the Minister for Energy aware of the April 2003 costing of SNI, previously known as Riverlink, undertaken by Burns & Roe Worley Pty Ltd (BRW)? If so, can he advise the house what the increased cost of SNI will be to South Australian consumers? BRW has calculated that the cost of SNI will now be more than $192 million with overhead cabling through the Bookmark Biosphere or more than $263 million with underground cabling through the Bookmark Biosphere. It has calculated the annual cost of maintaining SNI at $1.96 million. The 2001 estimate by TransGrid, the project proponents, was $109.5 million with overhead cabling through the Bookmark Biosphere. This latest cost estimate is a cost blow-out of more than $70 million.

The Hon. P.F. CONLON (Minister for Energy): It is not a cost blow-out because the cost does not actually exist. However, I am very happy to answer this question because it is about time that members opposite had the gall to ask a question about an interconnector. This is a complex matter, and I had better slow down for the member for Bright because it is pretty complicated. What we have seen in recent times, which adds a great complication to the whole question of the cost of an interconnector with New South Wales, is the application by Murraylink to go from an entrepreneurial connection to regulated status.

I remind the house that the previous government (the Hon. Rob Lucas in another place and this shadow minister) much touted Murraylink as an alternative to SNI. That move to go to a regulated service is very relevant to this question. The reason these people touted Murraylink in favour of SNI was that it was an entrepreneur taking the risk. They did not want a regulated interconnector with New South Wales to drive up the sale price of their assets, so they talked about Murraylink. The great benefit of Murraylink was that it was an entrepreneurial interconnector and the shareholders would take all the risk. There has been deafening silence from them since the application for regulated status and the indication from the ACCC that it may well grant it—and do so at a cost of $12 million to $14 million a year to taxpayers. The credibility of the opposition on interconnectors is absolutely non-existent.

The Hon. W.A. MATTHEW: On a point of order, sir, the minister is clearly debating the question. He is not attempting to answer the very specific question he was asked, namely, whether he was aware of the new costings for SNI and, if so, what would be the cost to South Australian electricity consumers.

The SPEAKER: The minister should pay attention to the subject of the inquiry of the member when answering the question rather than seek to expand the area in which comment, rather than provision of information, can be undertaken, because that is clearly debate if it is comment rather than provision of information. The style of answering over the past 12 months has varied and all ministers ought to take a hint. Questions asked seek information. If they do not have it, do not pretend. If they do have it, provide it.

The Hon. P.F. CONLON: The member for Bright does not understand that the information I am giving is extremely relevant to his question. I am not surprised he does not understand it, but I can explain the relevance to him. We now have an indication from the ACCC that SNI should be a regulated interconnector. We have an appeal on that and now have an indication from the ACCC that Murraylink could well be a regulated interconnector. The numbers the member for Bright is talking about are assumptions based on different routes. You cannot say they are costs because they cannot build two routes. This latest unfathomable decision from the ACCC means that we have to consider as a state what imposition will be put on taxpayers, in particular an unexpected imposition from an interconnector that was going to be entrepreneurial and is now looking for the taxpayer safety net in a disgraceful way and absolutely contrary to all the indications given about it.

As a jurisdiction, while I think it is an unfathomable decision, we have to live with the ACCC, and that is an unfortunate truth. As a jurisdiction, and in the discussions I am having with New South Wales, I have to examine how we make the best of what is not a regulatory system but is a farce. We have the decisions on these two interconnections and the assumptions talked about by the member for Bright, but there is another set of assumptions which go to the Murraylink interconnector and which may well end up being

tested in court as to whether the cost is correct in being portrayed as the cheapest alternative. All those complex matters at the end of the day go to electricity charges. It remains our commitment to get an interconnector with New South Wales. The Murraylink interconnector, unless part of a stronger connection with New South Wales, is of absolutely no, or very marginal, value to South Australia.

The fallacy of the MurrayLink entrepreneurial interconnector has been exposed for what it was. As a jurisdiction, we need to sit down very carefully and weigh up what is in the best interests of South Australian taxpayers in achieving a very important objective, and that is stronger interconnection with New South Wales.

The assumptions that the member for Bright talks about will also be contested by other sets of assumptions, and it is simply bad politics to try to tell people that a set of assumptions is imposing a cost on taxpayers. That is simply not the case.

The Hon. W.A. MATTHEW (Bright): My question is again directed to the Minister for Energy. Will the minister advise the house why his government is continuing taxpayer-funded support for SNI, when industry experts such as Frontier Economics and Professor Steven Littlechild have raised several concerns? For almost four years, Frontier Economics has been contracted to provide advice to the New South Wales Labor government on electricity assets and the national market. It recently said:

> Currently there are two proponents of interconnection between New South Wales and South Australia. . .it is not possible, nor sensible, to connect both projects.

Similarly, Professor Steven Littlechild, a Principal Research Fellow at Cambridge University, a former UK director-general of electricity supply and now an adviser to a number of Australian companies and government organisations, recently said:

> It surely cannot be sensible to waste—literally waste—no less than $144 million on building and operating a duplicate interconnector. . . My considered opinion is that to do so would be irresponsible, not to say scandalous.

The Hon. P.F. CONLON (Minister for Energy): I really think that the member for Bright needs to learn some flexibility. There are so many misapprehensions. The things he said in his explanation were the things that I was attempting to explain to him in the previous answer. We are faced with the failure of their preferred entrepreneurial link. We have said that we have to deal with that decision of the ACCC and see how we can incorporate it in our plan to get cheaper power from New South Wales.

An honourable member: Cheaper power? That's another broken promise.

The Hon. P.F. CONLON: Oh, our broken promise was the cheaper power—I hear the interjection. Their first price increase after privatisation was an average 45 per cent for business. Everyone in the jurisdiction, everyone in South Australia, knows who is responsible for power price increases. Everyone knows—

Members interjecting:

The SPEAKER: Order, the Deputy Premier and the Premier!

The Hon. P.F. CONLON: We are working extremely hard to overcome the disaster that we inherited in electricity from this mob. Stronger interconnection is a very important part of that, and we will do it in the best interests of South Australia. That means that we will have to examine the decisions of the ACCC. We are committed to cheaper power from New South Wales; it is an obvious benefit to the state; and we will do it in the best way possible for South Australians—an obligation, a duty and a responsibility that was not given to them under the previous government.

BOOKMARK BIOSPHERE

The Hon. W.A. MATTHEW (Bright): My question is asked of the Minister for Environment and Conservation. Does his government support the SNI project building overhead cables through the Bookmark Biosphere? The Bookmark Biosphere is an environmentally sensitive area that is classified as a Ramsar area. The SNI proponents intend to construct overhead cables through this sensitive area, allegedly with state government support.

The Hon. P.F. CONLON (Minister for Energy): I again explain to the member for Bright that the indication of a likely decision from the ACCC on MurrayLink puts another new and complicated piece to the picture. What I will say in regard to the route of any transmission system this government supports is that it will be done according to law and according to proper environmental impact standards. If those environmental impact standards and environmental laws pose a difficulty with the route, we will have to address that. However, I guarantee the house that any transmission system we build—

An honourable member interjecting:

The Hon. P.F. CONLON: The member says that it is a mess. At least that is something with which I can agree. The regulatory system for interconnection in this state and country is an absolute farce. I would love to hear from opposition members how they can possibly support changing an entrepreneurial interconnector into a regulated one, but that appears to be the opposition's position. Of course, the opposition's argument was that there should not be a risk on taxpayers but that it should be a risk on shareholders. Obviously, that has changed. I agree with the opposition that it is a mess, but I give the house an absolute undertaking that we will support any transmission system being built according to law and according to proper environmental impact studies.

An honourable member interjecting:

The Hon. P.F. CONLON: Yes, it is an election policy for us to get an interconnector with New South Wales. We are firmly committed to it, and we are firmly committed to doing it according to law and proper environmental standards.

SCHOOLS, AMALGAMATION

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services give an assurance that the Mitcham Junior Primary School and the Mitcham Primary School will not be amalgamated without a review, as required by the Education Act? I have been informed that a meeting took place on 13 May between the Education Department's superintendent and the school council at which the council was presented with three proposals, two of which would have seen the position of Principal of the Mitcham Junior Primary School axed and the two schools amalgamated. There has been no review of these schools pursuant to section 14B of the Education Act, and teachers and parents were not consulted about the proposed amalgamation. Mitcham Junior Primary School has a strong enrolment of 260 students.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I am not aware of any discussions in terms of what the member has raised here today. If the member is talking about a school council meeting, I imagine that all sorts of topics are discussed at those meetings. All sorts of proposals are put and discussed by parents in relation to providing a better curriculum and different options. I have no knowledge of Mitcham Primary School or Mitcham Junior Primary School wanting to move in one way or another, but it certainly is possible that they would discuss a whole range of issues. I really do not see the point of the honourable member's question. This is not something that has come across my radar, because, as the member points out, she is referring to a meeting of the school council. Those meetings are usually held monthly and in attendance are staff (sometimes students) and parents of that local school community, and they are not departmental central office meetings at all.

ALCOHOLIC MILK DRINKS

Mr KOUTSANTONIS (West Torrens): My question is directed to the Minister for Consumer Affairs. How does the minister propose to fight the proposed sale of alcoholic milk drinks in South Australia?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): Late yesterday afternoon, I learnt that a wholesale liquor merchant's licence was granted to Wicked Holdings Pty Ltd on 17 December 2002. I understand that the product to be supplied by Wicked Holdings is an alcoholic milk product consisting of about 82 per cent milk, 10 per cent liquid sugar, 5.5 per cent absolute alcohol and 2.5 per cent flavouring. As required by section 52 of the Liquor Licensing Act 1997, notice of the application was made in a statewide newspaper, which I presume was the *Advertiser*, a local newspaper and the *Government Gazette*. This applicant was also required to notify the Drug and Alcohol Services Council and the Department of Human Services about the application.

The Hon. M.D. Rann: It is 10 per cent alcohol in milk.

The Hon. M.J. ATKINSON: No, it is 5.5 per cent alcohol. The Office of the Liquor and Gambling Commissioner advised me that it did not receive any objections to the application. I understand that the applicant applied for a pre-retail licence in Victoria last year. Unlike South Australian law, the Victorian liquor regulations provide for a specific ban on the supply of a class of liquor. This provision was used in Victoria to ban this product. The South Australian legislation does not have an equivalent provision. Even though the product will be available only at premises with a licence to sell alcohol, I am concerned that it may be promoted in a way that is seductive to young people and thereby encourages them to consume alcohol.

Mr Brindal: Are you going to ban Baileys as well?

The Hon. M.J. ATKINSON: The member for Unley asks whether we will ban Baileys, which is a very interesting point. The Liquor Licensing Act makes it illegal for—

The Hon. P.F. Conlon interjecting:

The Hon. M.J. ATKINSON: No; Baileys was only ever sold to English tourists by Irish peasants. It was poteen in milk. The Liquor Licensing Act makes it illegal for children to be encouraged to drink alcohol. I am advised by the Liquor and Gambling Commissioner that this product has not yet come onto the market in South Australia. As soon as this product comes onto the market, officers from the Office of the Liquor and Gambling Commissioner will be scrutinising the packaging of the drink and the way that it is advertised. If anything about the way the product is presented in liquor stores suggests that it is breaching this or any other aspect of the liquor licensing law in South Australia, we will clamp down on it with the full weight of the law.

I remind the house that the Liquor Licensing Court can impose maximum fines of $15 000 on the licensee, restrict the conditions of his licence, or even cancel it. In short, the law means that this product will not be on South Australian shelves if it is targeted at under-age drinkers.

TAXI COUNCIL

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport update the house on what recommendations have been put forward by the Premier's Taxi Council since its inception? On 17 February, the minister advised the house that the Premier's Taxi Council had met twice and would continue to meet quarterly. At that time, the minister also advised the house that he was not sure whether any recommendations had been made by the council but that he would be happy to check. The minister will be aware of any recommendations, as he is part of that council.

The Hon. M.J. WRIGHT (Minister for Transport): As the member for Light is aware, we went to the last election with this commitment. The Premier's Taxi Council is a broad representative group that is meeting with both the Premier and me. As the member for Light said, it has met on a couple of occasions and, as part of its responsibilities, it has established some subcommittees, which I spoke about previously in an answer to a similar question from the member. Those subcommittees are proceeding and, in all probability (depending on where they are with the work that they are doing), will make some recommendations at the next meeting. Off the top of my head, I do not know the date of that meeting, but a third meeting is in the process of being scheduled in the near future. That sort of detail will be presented to the next Premier's Taxi Council.

As work progresses, I will be delighted to share the information with both the member for Light and with the house. However, I can report generally that the Premier's Taxi Council is doing some good work and has identified a number of issues. As a broad representative body of the industry, it is very pleased with not only the establishment of the council but also with the commitment that the Premier has given to the work that is being done by the taxi industry and to the issues that are being addressed. Could I also say that the work of the Premier's Taxi Council, as well as the work the government is doing with respect to the taxi industry, is progressing very well. A broad range of issues, of course, do confront the taxi industry, and I acknowledge the way in which the taxi industry is dealing with some of those issues.

SCHOOLS, CEDUNA AREA

Mrs PENFOLD (Flinders): Will the Minister for Education and Children's Services advise the house whether she has sought to reinstate the government funding that was cut from stage 1 of the redevelopment of the Ceduna Area School? The minister recently visited Ceduna Area School and was informed of the many occupational health and safety problems: deteriorating ceilings, leaking roofs, lack of ventilation and asbestos contamination at the school. The last Liberal budget allocated $5 million ($4 million of state funds and $1 million of federal funds) to build stage 1 of the new Ceduna Area School.

This stage included classrooms, administrative facilities and a school community library. Ceduna is an isolated community providing services for many disadvantaged indigenous students and their families, and a library is integral. In the previous Labor budget, $1.1 million was cut from stage 1 of the project and Ceduna council is now being asked to contribute the $180 000 funding shortfall for the provision of the community library. Over the past nine years the council has already stretched its contribution to include $163 641 for the library operation, and a further—

The SPEAKER: Order! The Attorney-General has a point of order.

The Hon. M.J. ATKINSON: My point of order is that the member for Flinders is indulging in comment rather than the recitation of facts in explaining the question.

The SPEAKER: No, I do not uphold the point of order. I think that the amount of factual information is probably peripheral to the focus of the question, but at no point did I hear the member for Flinders express an opinion or engage in debate on the matter. The Minister for Education and Children's Services.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The honourable member gave the answer herself. The major works funding for Ceduna Area School was published in last year's budget and nothing has changed.

GRIEVANCE DEBATE

EDUCATION BUDGET

Ms CHAPMAN (Bragg): I would like to place on the record my hope that tomorrow night's budget will incorporate a commitment to education, given a number of aspects: first, of course, the commitment that this government made prior to its election; secondly, its clear abandonment of it at its last (and first) budget; and, thirdly, the hope that that may be remedied tomorrow night. I also point out that, in the lead-up to the announcement of the budget tomorrow, we have had, of course, in the past two weeks, the delivery of the federal budget.

I am disappointed to note that after the delivery of the federal budget on higher education, education and children's services—matters of significance that were outlined in that budget, in particular in relation to the former two—there was hardly a murmur from the state government yet, after the delivery of the budget, its loudest complaint in relation to these areas of responsibility was the apparent claim that some 100-odd places in relation to after school hours care had been chopped and reallocated from South Australia to other care providers.

The position has been made clear, as it was on the day, and the federal government indicated that that was categorically wrong: that, in fact, there had been no reallocation of those places. This had been suggested by the state government on the basis that the South Australian providers for this after school hours care had relinquished 758 places but, at the time, only 662 had been reallocated. Therefore, they said, the difference is 96 and those places must have been reallocated. The federal government has quite clearly identified that that is not the case.

They had not been taken away from South Australia: they are available for reallocation and they will be as the placements are sought and approved. That is the government's major complaint. That is the highest level at which the government put it. Of course, its failure to address even any congratulations of the federal government's allocation and direction in relation to education and higher education has been, I suggest, ignored. The government would be embarrassed to give some congratulations. It would be embarrassed to admit that, indeed, there has been a significant improvement in the higher education and education positions, particularly in government schools within South Australia.

That is just what I want to focus on today, given that within the next 24 hours we are to receive the state budget—a quarter of which, historically (and I hope it will at least be the same percentage tomorrow), is expended on education. What happened in the federal budget for schooling generally is that a total of $6.9 billion has been allocated to Australian schools and students for the 2003-04 year. That is an increase of $528 million or 8.3 per cent over last year. Of course, the federal government gloats that this has been a very significant increase, which it has.

Since 1996 commonwealth funding for schools has grown by more than 93 per cent. Importantly, though, in the 2003-04 year, $2.5 billion is being provided for government schools and students, an increase of almost $130 million or 5.5 per cent over the past year. That is a 60 per cent increase since 1996, and that is great. The federal government has made an enormous contribution and an enormous commitment. What I want to make clear today is that the state government has the opportunity tomorrow to make a similar contribution to South Australian government schools.

State government schools, which educate 68 per cent of students across Australia, attract some 76 per cent of the combined commonwealth, state and territory funding. This is important information to remember, because often there is criticism of increased funding to non-government sector and catholic sector schools. I ask the state government to be mindful of the commitment the federal government has made in relation to this area; to understand that there has been an enormous increase in contribution proposed for this forthcoming financial year; and that if the South Australian government is to match that it, too, will need to have a substantial increase in the funds allocated overall tomorrow.

Time expired.

PARLIAMENT, SITTING HOURS

Mr RAU (Enfield): I want to make a few remarks today about the way in which this place conducts itself, and I do so in the context that, basically, we have all been through the equivalent of a flight across the Pacific. Sometime yesterday we left Sydney and we arrived in Los Angeles 14 hours later, at approximately 3.40 a.m., according to *Hansard*. We spent so much time in this chamber yesterday that we could have travelled from Sydney to Los Angeles. I would like to examine what we achieved over that period, because I reviewed it. I managed to achieve a similar degree of jetlag and, looking around the chamber, my colleagues across the chamber seem to be brighter and more perky than I feel. We achieved the equivalent of jetlag, but what else did we achieve?

I was thinking about this today when I was reading *Hansard*, and I could not help but be brought back to that great program I see on the television from time to time called *Survivor*. As the night wore on, I noticed that people were dropping off. We were losing people all the way through. By the end of the night at 3.40 a.m., from what were once two proud tribes, there were left 26 individuals, but even their spirits were totally extinguished. The 21 individuals whose torches were stuck at the entrance to the tribal council—which I assume is somewhere just outside the front door of the chamber—were the lucky ones, because they got to go home.

I was hoping in the course of the *Survivor* episode that was played out here last night to at least have won immunity so that I could have gone home, but I did not. Unfortunately, I was not one of the lucky 21 who got immunity or were simply extinguished. I would have settled for either. I was also hoping, in the alternative, that I would win the game by being the last person left standing some time later this afternoon if we had not had a break at all. But, as it turned out, I did not get either of my wishes. But we did break at 3.40, so I should not complain about that.

The *Survivor* program has a motto, which I recall is something like 'Outplay, outwit, outsmart.' When I compare that to what we did yesterday, I realise that we achieved no play, no wit, and were not smart, and I think we need to do a bit better. I think we can do better. There are a couple of suggestions I would like to make to improve our game.

The Hon. Dean Brown: Why don't you get your program in order?

The DEPUTY SPEAKER: The deputy leader had a good night's sleep: the rest of us did not. The member for Enfield has the call.

Mr RAU: I notice the deputy leader was one of those who left his torch outside the tribal council last night or, alternatively, got an immunity token, and he should not be interjecting on somebody who is as tired and fatigued as I am. I was here with the member for Hartley, the Opposition Whip and the other honourable members whose hands are now in the air. We were all here until the last, hoping to win that big prize at the end and the immunity tokens.

Let us see how we can play smart. The first thing we can do is make it compulsory for the gladiators who are running the show to have a meeting before we are all assembled here for one of these marathon trans-Pacific flights. It would be really nice if they sat down in a room and had a chat about what they were doing so that, before we got into the committee stage, there was some semblance of commonsense. I do not know who spoke to whom or whether anyone spoke to anyone. I do not know because I was not there. But I do know that I was here until 3.40 a.m. as a consequence of whatever it is they did not do.

The other thing I would like to raise is why it was so urgent that we had to be here until 3.40 a.m. to deal with a piece of legislation which is now not going to be dealt with in the other place, I understand, until some time next week. Presumably, this was some kind of an immunity challenge that was thrown out to the players. I think I passed. I think I have got myself an immunity token now. The members for Hartley, Colton and Schubert will be there when the immunities are handed out because they were here at the end, unlike the 21 whose torches were outside.

The other thing I want to say is that it is about time we smartened ourselves up. We are either here playing some sort of TV reality gameshow or we are supposed to be legislators.

The Hon. P.L. White: This isn't reality.

Mr RAU: I agree: it is not reality. I accept the minister's point. It is not reality: I apologise. I have been acting under a serious delusion for over 12 months now. But, if this is a gameshow, maybe it is more like the show where the fellow is being observed from outside for the whole of his life.

An honourable member: *Fawlty Towers*.

Mr RAU: No, not *Fawlty Towers*—the one with Jim Carey in it—the Truman Show. However, it seems to me that either this is reality and we are crazy or this is not reality, and I am trying to wave at whoever is directing this thing and implore them to please stop the 3.40 a.m. stuff.

Members interjecting:

The DEPUTY SPEAKER: The member might have been thinking of *Bananas in Pyjamas*, because I think it was a bit like that last night.

LOWER MURRAY IRRIGATORS

Mr VENNING (Schubert): I commend the member for Enfield for an entertaining speech, because it highlighted many of the things that happen here. Having been here 13 years, I certainly hear what he has to say, and one does wonder.

I want to raise briefly a terrible situation facing the Lower Murray irrigators, half of whom are in my electorate and the other half of whom are in the member for Hammond's electorate. It is a mediocre government that fails to control its departments. It is even more inadequate if its departments control the government. I want to remind the house of the absolute disaster that has been the dealings of the Minister for the River Murray and his department with the irrigators of the Lower Murray.

I have kept a keen eye on proceedings in the days and weeks following the meeting that the minister had with the irrigators and how things have gone sour. I was there, as was the member for MacKillop and other members of parliament. I thought that the meeting should have brought the government back into line. It was a good meeting on Tuesday 11 March. As I said, I was there and I saw how much the irrigators valued their time in an open discussion with the minister.

However, I also noted how uneasy the minister looked as the people challenged his department's misdirected actions and policies. I was disappointed to see the minister so far out of his depth coming face to face with his department's second-rate handling of this most significant issue. It was on that day that we saw the political strings within the department being pulled. The evidence was not there, but it has emerged in the aftermath of the meeting.

I have received plausible reports from the irrigators and from officers within the greater bureaucracy of the department of environment proving that there have been some serious cases of inappropriate activity either by the minister or his departmental empire—I am not sure which. My office has been contacted by a most distressed dairy farmer who, rightly, sought to expose the injustices being committed. It is understood that a public servant in the minister's department, who works very closely on the swamp rehabilitation scheme and is apparently well known for his strong personal links with the minister himself, has stated that the minister is very worried about the dairy farmers of the Lower Murray leaving their properties in far greater numbers than were expected.

I am disappointed but not surprised that so many are willing to leave their properties and start again somewhere else. It should be of no surprise to the minister or his department, either: they have bungled the rehabilitation project from the day they took over the reins from the former government. Due to poor administration and management procedures, costs have increased and less and less assistance has been given to the farmers in the form of financial incentives and subsidies.

Eventually, the option of leaving their properties had to be considered. While these people love their land (some have been there three or four generations and respect the need for sustainable primary practices), remaining on the land and forking out totally unreasonable amounts of money to compensate for the department's incoherent and irresponsible spending can simply not be considered by some due to the severe financial strain that staying would bring.

I am heartened by reports that some irrigators are trying to see out the storm, but to do so most require taking out a loan. Apparently, banks will not lend these farmers the money for the rehabilitation work because they are all in debt up to their ears and there is no real return on the investment. I hear that banks such as the Commonwealth Bank have sent representatives to talk to the minister to point out that they are not a charity to prop up the government's irresponsibility. If loans need to be arranged, why can they not be organised through the government, the rural reconstruction scheme, or whatever?

As I understand it, some dairy farmers have started leaving their properties already. Of the eight or nine dairy farmers at Mypolonga, it is thought that only one might stay. If or when they go, these farmers can sell their water licences to those further upstream—that is to say, the cotton growers. In fact, if you look at the situation they have been put in, they would have to sell them upstream to be viable. The end result is, of course, that there will be even less water flowing downstream and, of course, everybody then loses.

The flow-on effects from the department's ineptitude are wide and seriously damaging to the local area. I understand that National Foods have shut (or are about to shut) their Murray Bridge depot. Flow-on consequences will not be good. Not only will there be water rationing, but also there will be milk rationing. People will lose income and jobs and the area will lose whole industries as a direct result of poor government decisions and policy. I wonder whether the member for Hammond would have handed government to the Labor Party in the manner he did if he knew that the people of his electorate would be so unjustly treated.

SCHOOL COUNSELLORS

Ms RANKINE (Wright): As all members would know, education has been a major focus of this government since taking office. I was delighted today to see that commitment reinforced once again through some announcements made by the Minister for Education and Children's Services. The minister announced today that 29 extra primary school counsellors will be made available for something like 76 additional schools throughout South Australia. I understand that, last year, primary school counsellors were provided through a range of schools from category 1 to category 4, but this initiative will address some problems and issues being experienced in category 5 schools.

I am particularly delighted by this announcement because, last year, I met with the school council Chairperson of the Madison Park Primary School, Ms Lyn Newton. She was very passionate in her advocacy for that school and some of its difficulties. It is a very good school and it services the needs of the people of Salisbury East very well, but some of its young students do present difficulties. It is what we do with our children in those very early years which, to a very large extent, determines their life outcomes. It is those preschool and early primary years that make a real difference to the future of our children.

I was delighted to be advised today that Madison Park Primary School will benefit by this latest announcement of the minister and will have access to the services of a primary school counsellor. I wrote to the minister about this late last year, and one of the really good things about this government is that we have ministers who listen to the concerns of local communities and are prepared to act on those concerns.

Ms Thompson interjecting:

Ms RANKINE: That's right. I was delighted to have the minister visit my electorate on Thursday and make two significant announcements, one in relation to the Salisbury East High School, a school that suffered years of neglect under the Liberal government. I was present when the minister announced a new technical studies and home economics centre for that school. It was quite an amazing experience to hear the entire school gasp with shock, realising that, finally, there is a government that cares about them and is taking notice of their needs and concerns. It was good to see the excitement on the young students' faces, let alone the shock on the face of the Principal and school council Chairperson.

An increase in primary school counsellors has been the focus of the 'Hands Up for Primary Counsellors' campaign that has been running for some time through the South Australian Primary Principals Association, and I also had approaches from its President in relation to Madison Park Primary School, in particular. That approach focused on the emotional health and wellbeing of our students. As I said, we know that is absolutely vital in ensuring that our young people have the best possible chance in life.

I am sure that the Primary Principals Association will be delighted also to see this initiative extended to our category 5 schools. I know that parents and teachers at Madison Park Primary School will be delighted that their advocacy to me and the minister has proven to be so successful, and will be assured that their children matter to this government and that we are prepared to do what is necessary to give those young ones the best start in life.

ELECTRICITY, INTERCONNECTORS

Mrs MAYWALD (Chaffey): I rise to speak on a topic raised during question time today, that being the Murraylink versus the SNI interconnector saga. This involves my electorate significantly and, from what I heard in question time today, there has been an incredible rewrite of history on both sides of the house. For the benefit of members, I would like to go back through history and discuss what happened when Riverlink was first proposed.

Riverlink is now known as the SNI project and, in 1997, the South Australian government, under the premiership of John Olsen, announced that it was entering into a partnership to build an $80 million interconnector from Buronga in New South Wales to Robertstown in South Australia. This was to be a partnership with TransGrid, the New South Wales government owned interconnector business. This happened concurrently at the time TransEnergie decided to build Murraylink, which was a private entrepreneurial project.

At this time, John Olsen, as leader of the government of the day, decided in his questionable wisdom to sell off our electricity assets. During that process, a decision was made to withdraw from the Riverlink or SNI proposal. The government of the day then supported the Murraylink proposal as an entrepreneurial project, and TransEnergie commenced construction of the Murraylink interconnector.

The Murraylink proposal exists. It runs from Red Cliffs through to Monash. It goes underground, it was built in double-quick time with very little interruption to the community, and it had a high level of support from all councils and communities because it was an underground interconnector. It utilised state-of-the-art, world-first technology and is currently the longest underground interconnector in the world.

This proposal having been built, what happened concurrently is that the SNI project ran into problems with its preferred route. Its link was to come down from Buronga, across the top of the river, cut south over the river, run through a number of farming properties south of the river, cut a line across from somewhere near Loxton through to Monash across the Gurra Lakes, cross the river again somewhere near Swan Reach, and go up to Robertstown. My community and my electorate, with the assistance of the member for Wakefield, the Hon. Neil Andrew, lobbied very hard to have that preferred route changed to the northern route.

It is quite correct that the northern route includes a portion of Bookmark Biosphere but, in the broader view of the committee, it was preferable to see it go through a small section of the biosphere rather than cross the river three times, transect a number of farms and create a lot more community discontent. That proposal is now the preferred route for TransGrid to build its interconnector north of the river. However, the Bookmark Biosphere community is strongly opposed to its going through its community, and it intends to take action against that proposal. It has flagged that, potentially, it will use the EPBC legislation of the federal government to oppose the proposal.

I turn now to the commonsense factor that needs to come into all this. We need interconnection into New South Wales. We have an interconnector that runs from Robertstown through to Monash, and that is currently operated by ElectraNet. TransGrid has been negotiating with ElectraNet in relation to that section of the regulated interconnector as part of the SNI project. We have an interconnector that runs from Monash through to Red Cliffs. There are 13 kilometres of interconnector between Red Cliffs and Buronga that would need to be augmented to bring into play the Murraylink interconnector as part of SNI.

We need to put aside the politics of what happened before the last election and during privatisation. We need to sit Murraylink, SNI and the state governments of South Australia and New South Wales together and work out what is the most sensible option, which is to have one link between New South Wales and South Australia, use the ElectraNet component, use the Murraylink component, augment the Red Cliffs to Buronga project, and Buronga back into the electricity grid in New South Wales. It is one link, it is sensible, it ensures that we get that power from New South Wales into South Australia, and it provides the least path of resistance to the communities in the Riverland.

RED SHIELD HOUSING

Mr SNELLING (Playford): In my almost six years as a member of this place, the most vexing problem with which I have been presented by my constituents is troublesome tenants causing disturbance to the neighbourhood. Often children are involved, which adds another layer of complexity. On the whole, I have found the two public housing authorities with which I have had to deal in this area to be reasonably responsive. Perhaps they have not always acted to my satisfaction, but I have generally found that my intervention at least has generated some response.

In November last year I had a constituent come to see me regarding troublesome tenants, this time not in one of our public housing authorities but in Red Shield Housing. The residence next door was owned by Red Shield Housing and the tenants were noted for fighting and brawling. The police had been called out as the residents verbally abused their neighbours and abused my constituent's 15 year old son and allegedly made death threats to people in the street. My constituent has lived in her house for 18 years and is rather frightened for her safety. There are 12 vehicle wrecks in the backyard of this house owned by Red Shield Housing and three vehicle wrecks in the front.

My office thought that in order to expedite this problem the most appropriate thing to do would be to contact Red Shield Housing, which we did. I am appalled by the response we received. The officer we talked to at Red Shield Housing was defensive, not at all helpful and seemed more concerned with rent payment than about the duty it had to my constituents, given that they were effectively landlords in the street. Its response was that at least if these troublesome tenants kept to their lease obligations they were not concerned with any other matters, which as far as it was concerned was a matter for the police. I was not terribly satisfied with that.

Problems continued. We tried dealing with some other agencies, including the Salisbury council, which has been quite helpful. Nonetheless, we wrote to Red Shield Housing in January this year and to date have not received a response. A couple of weeks ago my constituent returned, as she is still having problems with these neighbours. She had contacted Red Shield Housing herself, and she alleges that the person she spoke to at Red Shield Housing told her that if she was not careful her neighbour might go after her with a baseball bat. This neighbour has assaulted their partner a number of times with a baseball bat.

My constituent has contacted Crime Stoppers in order to ask it to investigate the problem with these tenants but, as she is a Housing Trust tenant herself, she has asked me to assist her in trying to get a transfer. It seems unfair and not ideal that my constituent, who has been living in her house for 18 years, is the one having to transfer out of the street.

I am a great believer in social housing, but social housing authorities have a responsibility. If social housing is to be successful, it requires the goodwill of the neighbourhood. Social housing authorities such as Red Shield Housing have a responsibility to the welfare of the other people and neighbours around the house; otherwise, we will find that whenever one of these social housing organisations attempts to purchase a property they will hit a brick wall of objections from the neighbours. I believe strongly that organisations such as Red Shield Housing have a duty to look after their neighbours and a duty which so far it has shirked.

Time expired.

SCHOOLS, INVACUATION PROTOCOLS

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: Yesterday in a question without notice the member for Morphett asked to know more about the Department of Education and Children's Services' invacuation protocols. My department has informed me that 'invacuation' is a term commonly used in the occupational health, safety and welfare sphere and is in a sense the opposite of evacuation, in other words, keeping people from moving so that they remain safe from a threat of some kind.

Members interjecting:

The Hon. P.L. WHITE: I am not sure that it is not in any dictionary, but that is the information I have. Invacuation in schools is the emergency lock-up of people internally. For those unkind members who were about to suggest it, it has nothing to do with a new initiative by the state government to improve attendance. It is an emerging security management tool to enable schools to meet some of the critical incidents they may face such as severe storms, bushfires, intruders or toxic spills.

The establishment of informal plans are a new development as part of the school care strategy announced by the Premier last October. Invacuation plans have been introduced in a number of departmental schools through the auspices of the occupational health, safety and welfare crisis management plan requirements. Brighton Secondary School, which was mentioned in the question by the member for Morphett yesterday, is trialing an invacuation plan called 'lock-in'. Its origin stems from the school's occupational health, safety and welfare committee. This plan is still in draft form and at the consultation stage. Mount Compass Area School has called its plan 'managing crisis', and is using a series of check lists, which are part of the DECS school care web site and accessible to all government schools.

JOINT COMMITTEE ON THE CRIMINAL LAW CONSOLIDATION (ABOLITION OF TIME LIMIT FOR PROSECUTION OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

Ms THOMPSON (Reynell): I bring up the final report of the committee.

Report received.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council insisted on its amendments to which the House of Assembly had disagreed.

STATUTES AMENDMENT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

The Legislative Council agreed not to insist on its amendment No. 1, but insisted on its amendment No. 9 to which the House of Assembly had disagreed.

CONSTITUTION (GENDER NEUTRAL LANGUAGE) AMENDMENT BILL

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

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

The Legislative Council agreed to grant a conference as requested by the House of Assembly. The Legislative Council named the hour of 4 p.m. this day to receive the managers on behalf of the House of Assembly in the Plaza Room on the first floor of the Legislative Council.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That a message be sent to the Legislative Council agreeing to the time and place for the holding of the conference.

Motion carried.

CLARE AND GILBERT VALLEYS COUNCIL

Mr HANNA (Mitchell): I move:

That by-law No. 3, entitled 'Council Land for the Clare and Gilbert Valleys Council', made on 17 March 2003 under the Local Government Act 1999 and laid on the table of this house on 27 March 2003, be disallowed.

The Legislative Review Committee first considered this by-law at its meeting on 14 May 2003. It noted that the by-law authorises a council officer to remove from council land a person who has breached the by-law. Therefore, if a person has, for example, set up a market stall on council land without permission, a council officer could physically remove that person from the land, resulting in the use of force. Such an action would breach the Local Government Act 1999, which states that a council officer may stop the conduct of an offender and take specified action to remedy the contravention, but may not use force against an offender.

The committee noted the measures it has taken to inform councils that force cannot be used by council officers against persons in breach of by-laws. It first contacted the Local Government Association in May 2001, and presiding members of the committee have, in the past, participated in meetings with presidents of the Local Government Association, where matters such as the use of force were addressed. Consequently, most by-laws that have come before the committee over the last two years have stated that council officers may enforce by-laws by issuing a direction. The disallowance of the Clare and Gilbert Valleys by-law should result in the council's enacting a new by-law that more accurately reflects the limitations specified in the Local Government Act 1999.

Motion carried.

STATUTES AMENDMENT (DUTIES TO PREVENT FIRES) BILL

Mr BROKENSHIRE (Mawson) obtained leave and introduced a bill for an act to amend the Country Fires Act 1989 and the South Australian Metropolitan Fire Service Act 1936. Read a first time.

Mr BROKENSHIRE: I move:

That this bill be now read a second time.

In speaking to this bill, I first want to acknowledge the contribution of my colleague the member for Davenport

(Hon. Iain Evans). Whilst I am taking this bill through private members' time as the shadow minister for emergency services, I do not claim to have drafted the bill myself, and I want to congratulate the member for doing so. As the member of the opposition who has the privilege of retaining shadow ministerial responsibilities for emergency services since I have not had that responsibility as Minister for Emergency Services, I want to commend the member for Davenport and all members on my side, who are absolutely committed to anything that we can do to address the issues that are of great concern with respect to the duty to prevent fires.

I believe that there is not one member in this house (even those members whose electorates fall within the metropolitan area) who does not have concerns about particular property owners within their electorates who, even though legislation has been in place for a long time, simply refuse to take on board the requirement to prevent bushfires. I know that in the farming areas in my electorate most people are very cautious about preventing bushfires. However, there is always the concern that a neighbour somewhere in the region or district tends to believe that the best way to prevent bushfires is to create a rubbish dump on their property. These rubbish dumps become weapons when it comes to the potency of a bushfire caused by someone who is irresponsible and not prepared to abide by the laws, whether they be under the Country Fires Act, the Local Government Act or, indeed, the South Australian Metropolitan Fire Service Act.

Only recently, I was asked by constituents in a residential area within my electorate to accompany them to inspect a property about which they were concerned. These constituents had purchased a lovely home which was next door to a Housing Trust house. They were so concerned that, in this instance, the Housing Trust had failed in its duty to ensure that that property was kept safe. I accompanied the constituent to look over the front, side and rear fences of this property. For a normal sized building block in a residential area, it was amazing how much flammable material was there. Whilst I agreed with the concerns of my constituent that this could be a great fire risk and could involve other risks as well, such as vermin and the like, neither the Housing Trust, which as an instrumentality of the Crown should have had responsibility under the act, nor the council was prepared to exercise the powers under existing legislation, as a result of which other people were put at risk.

I will speak in further detail about this bill after my colleagues in this house have had a chance to debate it. I trust that it will be debated in a bipartisan way (in the true sense of the word), given that it is a private member's bill which seeks to improve the prevention of bushfires in the South Australian community. I will go into more detail when I close the debate before the bill hopefully goes into committee and, ultimately, to the third reading stage, after which it passes to the other house and is gazetted some time this year. I trust that members will support this bill being enacted by early spring so that the extra powers included in the bill can be exercised.

In summary, the bill strengthens opportunities for certain agencies to ensure that true prevention of bushfires will occur. It gives unprecedented powers to the CFS and its board if councils are not doing the right thing. I do not want to knock councils per se, because it is interesting to note that most councils do the right thing. Their fire control officers and general inspectors do get out there and ensure that landowners clean up their properties. It is interesting also that some councils do not see this issue as a priority and, as a consequence, they let down not only their ratepayers but also the adjoining councils that are doing good work. Therefore, if a council does not do what it should be doing in accordance with the act, there is a power within the bill for the Country Fire Service to step in.

The South Australian Metropolitan Fire Service will also be empowered to receive recovered fines for offences under this act, and these funds will be paid into the Consolidated Account. Importantly, under this bill, if an offence is committed within a council's area and the complaint is laid by the council or an officer of that council, any fines recovered from the defendant will be paid into the general revenue of that council. The idea of that is to give a direct incentive for the council inspectors to get out there and police the act.

In fairness, smaller councils, which often do not have more than one dedicated general inspector, sometimes cannot, if the fine involved is so small and their workload high, take action in the way they should with respect to the legislation. The penalties are pretty severe under this bill. Amendments to section 40(2) provide for a maximum penalty of $10 000. The penalty provision under section 40(5) is deleted and is replaced by a penalty of $20 000. The penalty under section 40(18) is deleted and a maximum penalty of $20 000 or imprisonment for two years has been included. So, for people who continually disregard the law in relation to the responsibilities and requirements to prevent fires, there is necessarily a big stick approach. However, the carrot for local councils is that they will be able to retain those significant fines to put into other worthwhile areas such as bushfire prevention. So, there are three key initiatives within this bill.

The member for Davenport lives in a very high fire risk area so, clearly, he has been able to consult with his community. I will be further consulting with the wider community as we debate this bill in the parliament. I know that my colleagues on this side of the house represent areas with a high fire risk, and we have been concerned about the continual complacency in the last year with people thinking that bushfires such as the one that occurred in Canberra will not happen here. Because we have not had a bushfire for so long, thanks to the great work particularly of the CFS volunteers, these people think that they will not worry too much about cleaning up their properties. We have to change that attitude immediately. A bushfire summit was held here last Friday.

The Hon. M.J. Atkinson: Did you go?

Mr BROKENSHIRE: Yes, I was there with my ears back. I was there for the whole time, and I enthusiastically listened to what people had to say. I hope that when the recommendations of the bushfire summit are finalised (and I am not saying that the summit was not worthwhile), they will be forwarded to a select committee that will go further afield to address a range of issues that were not addressed, so that we can assist the government with the implementation and support of the recommendations of the bushfire summit as well as other initiatives, such as this bill that we are debating today. Governments cannot provide all the answers. We have a parliament with 47 members in the House of Assembly so that we can represent our community, debate the matters and make further recommendations to the government.

Of course, I have not always seen a bipartisan approach in the past, but I know that if they go through the proper channels there will be bipartisanship on other initiatives which must be addressed and which were raised at the Bushfire Summit, such as, for instance, the reduction of fuel

loads. That matter is also very well drafted and thought through in this bill, which looks at the onus and the requirements on all sectors. It looks at the private landowner, and it deals with that issue. It looks at the council and its obligations and requirements, and it deals with those issues, too. It also looks at the crown and its instrumentalities and the land for which they are responsible, and it deals with those matters. So, it is a comprehensive measure and, importantly, it does not let anyone off the hook in terms of their responsibilities.

As members know, I am one of the more bipartisan members in this place. However, under successive governments, some of the crown agencies have not honoured their obligations with respect to fire prevention. If this bill is passed, we will see the full force of the law coming to bear on government instrumentalities. This will help ministers, because they will be able to thump the table of the CEOs in their agencies when they are concerned about what might be inactivity in terms of fire prevention, and they will have the full weight of this legislation passed in a bipartisan way to support them.

I believe that this is a great win for the whole South Australian community. It is a giant step forward from previous measures. Again, I say 'Well done' to the member for Davenport, who has, like me, previously had responsibility for the emergency services portfolio and understands the requirements concerning fire prevention. Whilst we have seen much growth in preventative measures in the last several years (proactive prevention rather than suppression), this bill will be a solid cornerstone for further advancement which, at the end of the day, will save life, property, trauma and, importantly in this will assist the Treasurer in saving money which can be allocated to areas such as police, health, education and economic development.

I ask all members to consider this bill over the next few weeks. I would like to think that it will be passed before we adjourn for the winter recess. I have seen bills fast-tracked on occasions, and I see no reason why that should not happen with this measure. Everyone has a responsibility to help ensure that people are prepared by next summer (certainly if it is a long, hot and dry one); that fuel load reduction occurs, whether it be in the domestic residential, industrial or farming areas or, indeed, in areas belonging to councils or the government in this state; and that properties are cleaned up so that the risk of fire is reduced.

I am very proud to have introduced this bill, and I look forward to summing up when all members have had the opportunity to make their contribution to this excellent measure. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: URBAN GROWTH BOUNDARY

Ms BREUER (Giles): I move:

That the 48th report of the committee, entitled 'Urban Growth Boundary', be noted.

The Environment, Resources and Development Committee adopted this inquiry as a result of the release of an urban growth boundary plan amendment report by the Minister for Urban Development and Planning. The committee is concerned about the extent of the urban sprawl of Adelaide and the related cost to both local and state government of providing infrastructure to support new greenfield development at the edge of the city.

The committee does not support the continuation of this sprawl into the future and believes that an urban growth boundary policy is essential to reduce the continuous development of greenfield sites which conflicts with the use of prime agricultural and horticultural land adjacent to the boundary. The committee is aware of significant support for the urban growth boundary, but believes that certain issues need to be monitored. These issues include the availability of development sites, the price of houses and land, and whether the boundary is achieving its aim. The committee notes that in the United States of America it has been necessary to enshrine urban growth boundaries in legislation. The committee recommends that the government undertake a three-yearly study to monitor the impact of the urban growth boundary.

The provision of infrastructure is another area of concern for the committee. The urban growth boundary will ensure an increase in the development of medium density housing. This will put pressure on existing infrastructure that provides electricity, gas, water, and telecommunications. The committee believes that there needs to be forward planning at both local and state government level with regard to the future costs of maintaining and replacing infrastructure. It also believes that infrastructure planning programs should be coordinated across government agencies and related service providers.

There is resistance within the community to changes in the form of metropolitan housing. An education program needs to be implemented to help inform people of the benefits of socially and environmentally sensitive higher density living. Attitudes will change only if the concerns of residents are addressed, especially regarding the provision and maintenance of adequate open space and innovative stormwater management and reuse.

Another committee concern is the availability of adequate social housing in a range of suburbs in metropolitan Adelaide. The cost of housing is proving too high in some new developments, and the Housing Trust is constantly being forced to the fringe. Therefore, the committee recommends legislation to achieve a percentage of social housing in all housing and regeneration developments.

The boundary between the city and country was raised as an issue with the committee during evidence, and clear policies with well defined buffer zones of vegetated open space are needed to reduce conflict over land use in this region. The committee has just taken evidence in a stormwater inquiry and notes that these buffer zones could provide much needed open space for artificial wetlands to improve the quality of stormwater.

During the inquiry, the committee again noted that the councils on the fringe of metropolitan Adelaide have common concerns and issues. The committee also noted that there has been inconsistent application of planning policy in adjacent councils and urges them to work together on regional planning issues.

This inquiry was undertaken in the second half of 2002 and was completed this year. The committee heard from 21 witnesses during this time, and they enabled the committee to gain an understanding of the possible impacts of the urban growth boundary. As a result of this inquiry, the committee has made 12 recommendations, and it looks forward to a positive response to those recommendations.

I take this opportunity to thank all those who have contributed to this inquiry. I thank everyone who took the time and made the effort to prepare submissions for the committee and to speak to the committee. I extend my sincere thanks to the current and former members of the committee: the Hon. Malcolm Buckby MP; Mr Tom Koutsantonis MP; the Hon. John Gazzola MLC; the Hon. Diana Laidlaw MLC (who participated well in this inquiry, which will be the last in her term in this place, and we especially thank her for her efforts); the Hon. Sandra Kanck MLC; the Hon. Rory McEwen MP; and the Hon. Mike Elliot MLC, who was on the committee until he left this place earlier this year.

I thank our current staff, Mr Phil Frensham and Ms Heather Hill, for their efforts and work on this inquiry and for the assistance they have given the committee at all times. I also thank Mr Knut Cudarans and Mr Steven Yarwood, who previously served our committee.

Motion carried.

PARLIAMENT (JOINT SERVICES) (ABORIGINAL AND TORRES STRAIT ISLANDER FLAGS) AMENDMENT BILL

Ms BEDFORD (Florey) obtained leave and introduced a bill for an act to amend the Parliament (Joint Services) Act 1985. Read a first time.

Ms BEDFORD: I move:

That this bill be now read a second time.

It is fitting that I be able to move this bill in Reconciliation Week which, as we all know, is the week where we begin by thinking of Sorry Day. We then think of the 1967 referendum and talk about the Mabo bill, which established that Australia was not terra nullius at the time of the First Fleet. It is very important that we recognise our indigenous people, as they were the first nations of our country, the Aboriginal people, of course, living below the tropics, and to the north—in the most beautiful parts, some say, of Australia—namely, the Torres Strait Islanders.

These peoples have suffered greatly since the invasion, as they would say, or since the time of settlement. I bring this bill before the house today because I would like to see their symbols, their flags, which are, of course, recognised flags by Australia, flown from this place, Parliament House, permanently. As I gather my thoughts about this bill, I think about the time when people walked across the bridge in Adelaide as part of the Journey of Healing that happened in 2000. A national indigenous leader who talked about the progress and impediments since that time states:

> It is now three years since the historic bridge walks for reconciliation occurred across this nation. More than one million Australians walked at that time, demonstrating their compassion and their commitment to resolving Australia's legacy of indigenous dispossession and disadvantage. For most Aboriginal and Torres Strait Islander peoples it seems as if we have been left on the wrong side of the bridge with its planks rotting before us.

It would be no understatement to say that, while we built up a great deal of momentum at that time, very little has been done since then that would move forward the cause for Aboriginal people and a recognition of their disadvantage and marginalisation for so many years. On just about any indicator of social progress, including the federal government's so-called practical reconciliation benchmarks of health, housing, education and employment, indigenous Australians are definitely way behind non-indigenous people.

However, some positive initiatives are being developed with government agencies and non-government agencies working in partnership, delivering positive changes to people, particularly on the lands. I see this gesture by the South Australian parliament as a small indication that would go a great way to recognising the importance of our first nation people.

The importance of symbols and flags, of course, is something with which we can all identify. I remind the house that at the time of the great inflow of migrants, there were times when stickers were put on shop and office windows to indicate what languages were spoken therein. These stickers or signs were a way of letting people know that they were welcomed in these places and that they would be understood and assisted. This went a long way to indicating that they were invited to be there. It embraced them, their cultures and their languages, and it showed that we were sympathetic and that we would be happy to be approached by them, and look after them in moments of discomfort or embarrassment or when they needed assistance.

Promoting confidence and self-esteem in minority or marginalised groups is, I think, the first step in breaking down barriers between people and establishing really good communications and groundwork for the future. The importance of sending those messages can be understood by us, of course, in the way in which we identify with the Australian flag which was not proclaimed until 1953. Every sovereign nation on earth flies its own national flag because it is a symbol of the country and of the people, the ideals and beliefs of those people and how they live and what they stand for. Flags come from the ancient battle times when people rallied together around flags of different colours or shapes.

With Federation (when all the states of Australia joined), we came under the Commonwealth of Australia, and there was an obvious and real need for a flag to show the uniting of our people in the six colonies. The Australian flag promotes great passion within our society. People proudly march under it: soldiers during war time; athletes at the Olympic Games; schoolchildren; it is draped on coffins of many proud Australians who have served the country well; it is raised for countless patriotic occasions; and it is used to identify traditions such as ANZAC.

I think we can all understand the importance of the flag and the symbol that it shows. Australia's 1953 flag represents our nation from the time of its birth which, I guess, dates back from the settlement in Sydney Cove in 1788. But, of course, the Aboriginal people have been here for many thousands of years.

I would like to talk to members a little about the Aboriginal flag, which was designed by Harold Thomas (an Arrernte man from Central Australia) in 1971. It is certainly an eye-catching flag and, unfortunately, I sometimes see it flown upside down when I drive through the city. The easiest way for people to remember how to fly the flag is that the black goes on top, representing the indigenous people on the red land and, of course, the sun is the centre.

Mr Hanna: Blood on the earth.

Ms BEDFORD: Well, the sun is the yellow symbol in the centre. It was, of course, flown first here in Adelaide, which is wonderful for us because we can take some pride in that. Of course, we have now in Victoria Square a fabulously large Australian flag flown by the Adelaide City Council. I am searching my notes to see what year that flag was first flown. It was in 2001.

Mr Hanna interjecting:

Ms BEDFORD: I am sure that it will. That is a point. The Aboriginal flag, as I said, was adopted nationally by Aboriginal and Torres Strait Islanders in 1972, after it was flown above the tent embassy outside old Parliament House in Canberra. Of course, that building is a reminder to us all about how slow progress has been for indigenous people within the federal sphere of government. The flag is increasingly being flown now by both Aboriginal and non-Aboriginal people and, in view of its increasing importance in Australian society, the federal government initiated steps in 1994 to give the flag legal recognition.

After a period of consultation, the government made its own decision in July 1995 that the flag should be proclaimed a 'Flag of Australia' under section 5 of the Flags Act 1953. The flag was also proclaimed by the Governor-General of Australia, William Hayden, on 14 July 1995; so, to that end, we are talking about a flag that is nationally recognised.

The other flag I would like to see flown permanently from the building is the Torres Strait Islander flag, which was created as a symbol of unity and identity for the Torres Strait Islander peoples, and was designed by the late Bernard Namok, then a 15-year old school student from Thursday Island.

It was the winning entry from a design competition held as part of a Cultural Revival Workshop organised by the island's Coordinating Council in January 1992. It was recognised by the Aboriginal and Torres Strait Islander Commission in June 1992 and was given equal prominence with the Aboriginal flag. In July 1995 it was recognised by the Australian government as an official flag of Australia under the Flags Act. The symbolic meaning of the Torres Strait Islander flag is as follows: the green represents the land and the blue represents the sea. The white in the flag represents peace and the black represents the indigenous peoples of Australia.

The dhari (headdress) represents the Torres Strait Islander people (that is the symbol at the centre of the flag), and the five-pointed star represents the five major island groups. The star also represents navigation as a symbol of the seafaring culture of the Torres Strait Islanders. The island's Coordinating Council also chose this design, as its simplicity would allow each Torres Strait community to incorporate its own emblem into the design for local identification.

As we see, flags are an important step in recognising our indigenous citizens. Unfortunately, indigenous people have suffered great disadvantage, as I said, particularly with respect to their health. They die some 20 years earlier than we do. More importantly, the flags tap into the psyche and self-esteem of our indigenous people and recognises their unique culture and place in Australia's history. It also sends a message to all our non-indigenous residents who, when they see these flags flying from Parliament House, will understand the importance that we place on our indigenous people. I do not think we can overstate the psychological advantages it would give indigenous people to see that they are recognised and valued.

In closing, I want to let the house know that I have done some other work on having flags flown throughout Adelaide by approaching various councils and police stations. One letter that came back to me in July 2002, following a letter I had written earlier to the then Minister for Local Government, closes in this manner, and I think this is a good paragraph for me to close on as well:

> The Local Government Association response to our inquiry suggests that, were the flags to be permanently flown at Parliament House, that would in itself provide encouragement to more councils to do the same, and I expect the same would apply to police stations. Accordingly, a copy of this letter has been sent on.

The reason I had written to police about flying the flags is that, as we know, indigenous people are over-represented in the criminal justice system, and I think that, just as we might put a sticker on a window saying, 'Yes, we speak whatever language you speak', having something such as that on police stations or anywhere that legal or justice matters are resolved would go a long way to making Aboriginal people feel a lot more comfortable in the system that has, unfortunately, treated them very badly over the years. So, I commend this bill to the house and look forward to support from other members as it progresses.

Dr McFETRIDGE secured the adjournment of the debate.

PAYROLL TAX (EXEMPTIONS) AMENDMENT BILL

Mr WILLIAMS (MacKillop) obtained leave and introduced a bill for an act to amend the Payroll Tax Act 1971. Read a first time.

Mr WILLIAMS: I move:

> That this bill be now read a second time.

This is quite a minor bill but its effect is quite significant, certainly on catchment water management boards and consequently on the amount of funds which can, through those boards, be expended on environmental work right across South Australia. First, I will give a bit of background as to how we have arrived at this position.

A little research shows that, following the Premier's Conference in June 1971, an agreement was made between the then federal government and all the state governments that, in fact, the power to levy and collect payroll tax would be transferred from the federal government to the state governments. Subsequently, the then Premier Don Dunstan introduced a bill in the house on 24 August 1971 setting up the Payroll Tax Act of that year. The bill that was introduced at that time contained certain exemptions, one of which was in clause 12. Clause 12 still exists but one of its exemptions at the time was the exemption of government departments from paying payroll tax. I will read partly from the then premier's explanation of the clauses on 24 August 1971, as follows:

> Clause 12 follows generally the corresponding provision in the Commonwealth Act with some minor drafting modifications. As adverted to earlier, it exempts wages paid by 'councils' as defined except in so far as those wages are payable in respect of business activities of those councils. In addition, payments made by the State Government departments are also exempt except to the extent indicated in paragraph (f) of this clause. Necessarily the taxing of State Government departments by the State would only be by way of book entry of a non-revenue producing nature.

Clause 12(f) of the Stamp Duties Act 1971 has subsequently been repealed, and I have failed to find the details of that repeal. I know that it was repealed in 1988, but I have failed to find it in the relevant parliamentary documents, so I cannot inform the house, unfortunately, why it was repealed at that time. I do not think that really affects what I am endeavouring to do, anyway, but I make the comment by way of explanation.

It is my understanding that all the states agreed to levy payroll tax on government departments so as to create that wonderful thing that we often hear about, the level playing

field. A lot of government departments, in fact, are in competition with private enterprise, and it has been agreed that it would be unfair for a government department to provide a service when that same service could be purchased from the private sector but obviously at a higher cost because the private sector would be paying, among other things, payroll tax. Consequently, payroll tax has been inflicted on all government departments and has to be factored into their costs and charges. I think that is a fair and reasonable principle to adopt and I have no argument with it.

I do have an argument where payroll tax is levied upon statutory authorities, which could never be seen to be in competition with the private sector in any way, shape or form, and I will come back to that shortly. Catchment water management boards, as established under the Water Resources Act 1997, have been in existence for a number of years now, and it is my understanding that there are now eight boards, and I think they cover virtually all of the state of South Australia. They administer budgets—and I do not know the exact figures—averaging at least $2 million. Some of the more recently formed boards might have an annual budget slightly less than that. I know some of the earlier formed boards and some of the boards in the more highly populated areas would have budgets of substantially more than that. But I think it is fair to assume that, on average, the eight boards administer budgets of around $2 million.

Obviously, those boards spend a significant amount of money on wages but, since their inception, have never been levied by Revenue SA for payroll tax. I have not had pointed out to me who the person was, but apparently the CEO of one of the eight catchment boards across the state, in their infinite wisdom, recently approached Revenue SA and queried whether or not the board should be paying payroll tax. Revenue SA consulted the act and said, 'Of course you should be.' As a consequence of that, it is my understanding that all boards have received a letter from Revenue SA to say that as of 1 July this year they will be expected to pay payroll tax on their payrolls.

The catchment water management boards receive virtually all their income via a levy system. They levy water users in the South-East; they levy holders of what they call water holding licences who are not water users but the licence potentially can be converted to a water taking licence; and they have the ability to levy all property owners. The levies per property are generally fairly small, but certainly on water users the levies are significant, and that makes up the bulk of the income of the South-East Catchment Water Management Board. That would also be the case in the Riverland.

It seems nonsensical that the people of South Australia are levied via the Water Resources Act to fund a catchment water management board, the sole purpose of which is to carry out works that have been identified in catchment plans and to look after water management and the environment within that jurisdiction. It seems ludicrous to me that a catchment plan would levy the people, the land and the water users within its jurisdiction for this specific purpose, and then be taxed on that tax at the rate of 5.67 per cent on behalf of the general consolidated revenue of the state. A tax on a tax is an absurd notion, and that is what this bill is all about.

The Minister for Water Resources was questioned on this issue by ABC radio in the South-East. He was asked specifically whether this would cause an increase in levies or a reduction in services provided by the catchment water management board, and he suggested that the amount of money involved was relatively insignificant. It has been suggested to me that each of the boards would be taxed an amount somewhere between $30 000 and $50 000 per year through this measure. The minister suggested that, in the context of their total budget, that was relatively insignificant.

I contend that, if those figures are right, the total take by Consolidated Account would be of the order of $400 000. That is insignificant in the context of the total budget for South Australia, but it would be relatively significant in the budgets of the individual catchment management boards, and it is a principle that this parliament should consider as very significant. This parliament should be very careful to ensure that a government does not tax taxes, whether it does so deliberately or, as in this case, whether it virtually stumbles across it. That principle should be upheld by every member of this parliament, and that is why I have introduced this bill.

The bill is relatively simple in most respects. Clause 4 seeks to insert a new paragraph (f) in section 12(1) of the Payroll Tax Act 1971 which would provide for an exemption by a catchment water management board within the meaning of the Water Resources Act. That means that an exemption would be extended to all the catchment water management boards set up under that act.

The one thing that is slightly complicated in the bill I have had drafted is that, because the catchment boards have been informed that they will be liable to pay this tax as of 1 July, I have also asked the parliamentary draftsman to make the commencement of this legislation the same date, that is, 1 July. If this bill happens to pass through the parliament, as I sincerely hope it will, Revenue SA will not levy that tax in any year, least of all this forthcoming financial year.

It is my firm wish that the Treasurer takes a very close look at this measure and accepts the tenet that I have put before the house that we should not tax taxation. It is an absurd notion. I would be delighted if the Treasurer, having looked at this and accepted that it is an absurd notion, took the carriage of this bill to see it pass speedily through this place and the other place. It would be most desirable if this were passed in the next fortnight, before the winter break, so that it could come into effect on 1 July.

That would alleviate the angst and anguish of the catchment management boards, which set their budgets to collect almost exactly the amount of money that is budgeted for in their works programs, as they are obliged to do under the Water Resources Act. Suddenly the catchment boards, which have been establishing their budgets for the ensuing financial year and the out years beyond that (which budgets are produced in their catchment plans and are approved by the parliament's Economic and Finance Committee), are looking at a quite significant tax, given that their revenue-raising abilities are closely matched to their expenditure expectations. It might be relatively insignificant in the minister's words, but I do not necessarily accept that that is correct.

I hope that the government will look favourably upon this measure. As I say, hopefully the Treasurer will take carriage of this bill and see it pass through the house. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

The Hon. M.J. WRIGHT (Minister for Transport): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

STATUTES AMENDMENT (NOTIFICATION OF SUPERANNUATION ENTITLEMENTS) BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 2028.)

Mr HANNA (Mitchell): This measure seems to be a reasonable one and it proves that some of the best ideas in this place come from non-government members. The Greens support the bill.

The Hon. I.F. EVANS (Davenport): I thank all members for their support for this bill. I especially thank the Greens for their support. I know that the Treasurer supports this measure and I look forward to its proceeding to the upper house at the rate of knots.

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

JOINT COMMITTEE ON THE IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

Adjourned debate on motion of Mr Koutsantonis:

That the final report of the committee be noted.

(Continued from 14 May. Page 2987.)

Motion carried.

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

A quorum having been formed:

WASTE MANAGEMENT

Adjourned debate on motion of Mr Venning:

That this house calls on the Environment, Resources and Development Committee to examine and make recommendations on waste management in South Australia, particularly in regard to:

(a) the environmental benefits and disadvantages of closing the Wingfield dump;

(b) the benefits of alternative waste disposal methods;

(c) the environmental impact of landfill methods of waste disposal; and

(d) any other relevant matter.

which Mrs Geraghty has moved to amend by deleting all words after 'recommendations on' and inserting the words:

(a) landfill proposals for metropolitan Adelaide for the next 15 years;

(b) the viability of alternatives to landfill;

(c) recycling;

(d) plastic bag use in South Australia; and

(e) any other relevant matter.

(Continued from 14 May. Page 2994.)

Dr McFETRIDGE (Morphett): I rise to support this bill. Waste management in South Australia is becoming more of a problem not only for individual households and small businesses but also for large businesses. Finding suitable sites to store waste that cannot be recycled is something that the parliament needs to consider very carefully, because we know now that the impact of acting rashly or in an uneducated manner when we decide where to store waste is something that we could live to regret.

I am confident and happy with the federal government's choice of site in the Far North of South Australia for storing nuclear waste. It is well known to be one of the most geologically stable sites in Australia and certainly is quite a suitable site at which to store low level nuclear waste.

Getting off that and referring to domestic waste, a lot of low level nuclear waste is domestic waste because it can include something as simple as the smoke detectors in people's homes. More to the point of this motion is the management of household and industrial waste, and we need to look at ways of recycling waste. Certainly, the Premier is on record as stating that one of his and his government's aims is to reduce the amount of landfill and recycle as much of the waste produced in South Australia, whether from homes or from industry.

I live at Glenelg, and one of the wonderful things that we have there now is the Patawalonga. For 30 years, the Patawalonga was the most polluted waterway in Australia, but it has now been cleaned up. The waste that accumulated in those years in the Patawalonga was absolutely disgusting—not only the heavy metals in the silt but also the detritus and rubbish that was coming down from the upper catchments. I am pleased to see that the catchment management boards have been working over time, and they have certainly reduced the amount of rubbish coming down into the Patawalonga and, certainly, the Barcoo Outlet does help in a major way with the larger pieces of debris and some of the sediment.

The tonnes of debris being collected by the booms floating across the upper reaches of the Patawalonga Lake by the Barcoo Weir is just amazing to see. When one drives along Sir Donald Bradman Drive and looks at the booms and the trash racks in the drains along there, one can see how much rubbish could potentially end up coming down into the Barcoo and then out to sea or, as used to be the case, into the Patawalonga. I forget the exact figures, but we are talking about not just tens or hundreds of tonnes; we are talking thousands of tonnes of rubbish that should not be there in the first place.

The whole community has a role to play in waste management in South Australia. Certainly, there are many clean-up campaigns. I was lucky enough to participate in the Clean Up Australia day with my Rotary club, Somerton Park Rotary Club, in a road watch campaign on Cement Hill at Seacliff. I was able to help out there. The whole of the community is getting on with cleaning up Australia—cleaning up their local environment—and it is something that we need to promote through this place.

The public campaign for recycling is certainly well under way, and I see that the latest thing that the media is grabbing onto is plastic shopping bags. I feel quite guilty when I come home from the supermarket, and the many shops down the Bay, with a handful of plastic bags. We try to reuse them and, certainly, we take them back and put them in the deposit bins in the Coles supermarket in Nile Street, and they are then recycled. If there are ways of overcoming the use of the millions of plastic bags in Australia, I would be more than happy to participate in and support and promote any programs in that respect.

Mr Hanna: Vote for my bill, Duncan.

Dr McFETRIDGE: As the member for Mitchell indicated, he has a bill coming to this place, and I will support that bill if it is able to reduce the millions of tonnes of plastic waste by, in this case, reducing the number of plastic bags being handed out by shopkeepers. Certainly, it is a cheap way of packaging goods, but I think the good old

cardboard boxes, which are made from recycled paper or recycled paper bags, may be the way to go. They are a bit more difficult to carry at times, but perhaps people can get the whole family organised; rather than going shopping by themselves, they can take the whole family along to do the shopping and help carry it home.

The benefits of alternative dumping and reprocessing methods is something that the ERD Committee needs to look at. Over the years I have taken a lot of rubbish to the recycling depot at the end of Morphett Road by the airport. My wife and I are restoring an old home, and I am more than happy to spend the extra time to take old building materials and other household refuse there to be sorted into various sections of the dump. If that reduces the amount of landfill, the amount of solid waste that is causing a problem throughout the whole community, I am happy to be involved with that and give some of my time. If green waste is able to be recycled, if paper is able to be recycled, if the many other things that we have taken for granted as just being part of the rubbish we stick out for the garbos is able to be recycled and reused, and we are able to reduce the amount of permanent waste that is building up in the landfills around the place, that is something that this parliament certainly should be helping to promote.

The ERD Committee is also looking at the old Wingfield dump. Closing the dump will cause quite a problem—because where will all that rubbish go? As a child I lived at Salisbury, and I remember my family taking our rubbish to the St Kilda dump. I would hate to think of the environmental impact of all the rubbish that was taken to that dump. When one looks at the volumes that have been taken to the Wingfield dump, it is amazing to see the mountain of rubbish there that will just have to be allowed to sit. Some of it will break down. I know that mini power stations are being established in some of these refuse places—the landfills. Methane gas is being recovered and it is being used to power mini power stations. That is one way of recovering some of the waste, even though that waste is the result of many tonnes of landfill being deposited and the by-products of the rotting process being collected. At least it is a useful reprocessing method. I encourage the ERD Committee to look very carefully at its brief here and, certainly, do the people of South Australia and future generations a big favour with respect to the handling of our waste of all sorts.

Mr HANNA (Mitchell): The member for Schubert, with his motion, requests the ERD Committee to look at Wingfield dump alternative waste disposal methods and the environmental impact of landfill methods of waste disposal. The member for Schubert clearly has a particular interest in the future of Wingfield dump. On this occasion, the government has sought to take the wind out of the member for Schubert's sails by introducing a comprehensive amendment that, effectively, alters the thrust of the member's motion. I object in principle to amendments which do not change just one or two words but which comprehensively alter the thrust of the initiating member's proposal. That is what has happened here.

The government may be able to use its numbers to do this, but I think it is wrong in principle. If the government has such a different view on the subject matter, it should oppose the motion and, if it strongly feels that the subject matter referred to in its own amendment should be looked at by the ERD Committee, it should move a separate motion or take action within the ERD Committee to have those matters looked at.

There are, indeed, matters in the government's amendment about which I am passionately concerned. For example, it refers to plastic bag use in South Australia, and it refers to recycling. These are matters that need to be looked at, but the fact is that the member for Schubert's motion originally focused on the Wingfield dump as well as other alternative waste disposal methods, and I think the member has the right to bring that matter to the attention of the ERD Committee. I am inclined, unless persuaded otherwise, to vote against the amendment and for the motion, for the reasons that I have given.

Mr WILLIAMS (MacKillop): I am delighted to indicate my support for the member for Schubert's original motion on this matter. It is interesting that this has come back to the house. There was quite an interesting debate some years ago, as I recall, when this matter was raised in another place by the then planning minister (Hon. Di Laidlaw), I believe, who introduced a bill in the other place. I remember when the bill came to this house. At that time, I was sitting on the cross benches on the other side of the house, and I remember being lobbied very strongly by the then lord mayor of the City of Adelaide (the current member for Adelaide), who was adamant that there were huge advantages in keeping the Wingfield dump open.

The SPEAKER: Order! The Minister for Tourism should acknowledge the chair and join whomever it is she wishes to have a conversation with in the gallery, rather than do so from within the precincts of the house.

Mr WILLIAMS: I was lobbied very strongly by the then—

The SPEAKER: Order! The Minister for Tourism should acknowledge the chair and leave the precincts of the house and talk to the stranger in the gallery, if that is her wish, and not conduct a conversation across the benches. The member for MacKillop.

Mr WILLIAMS: Thank you, Mr Speaker. As I was saying, at that time the other Independents and I received strong lobbying from the then Lord Mayor of Adelaide, on behalf of the City of Adelaide, to try to have the measure introduced by the Hon. Diana Laidlaw in another place overturned. The lord mayor (as she was then) made the point that the City of Adelaide already had a significant plan to close the Wingfield dump in a staged manner (and I will return to that matter directly), and that the dump was providing a very good service not only to the City of Adelaide: indeed, most of the material deposited in that dump came from other corporations around the greater metropolitan area of Adelaide, and the dump provided a great service at a realistic cost to those corporations that did not have their own dumping facilities. It also provided a very valuable revenue stream to the City of Adelaide.

It beggared my imagination at the time (and it still does) why the previous Liberal government moved to accelerate the closure process of the Wingfield dump. One of the downsides (and I hope the ERD Committee is able to revisit this matter) of the accelerated dump's closure (and I do not recall when it was due for final closure) was that it caused the final shape of the mountain of rubbish deposited there by the good citizens of Adelaide and surrounding suburbs to be different from what was originally planned by the City of Adelaide.

The City of Adelaide and its consultants had planned to keep the dump open over a period of years so that when the dump was closed the final shape would allow them to cap it with an impervious layer (which would probably include

some geotechnic fabric and clay, which is a technology being used in other places around Adelaide for a similar purpose) so that any natural rainfall on the mountain of rubbish would naturally run off. The likelihood of that rainfall penetrating that layer and into the material dumped there over a long period was very small.

It was very important that that dump had that finish applied, because any rainfall penetrating the material dumped there during the lifetime of the dump would, of course, leach chemicals out of the material and create leachate. That would then pass on down through the material to the base land underlying the dumped material and into the underlying aquifers and watertables and probably eventually find its way into the North Arm of the Port River. So, the potential for pollution plumes being created by not closing that dump in a properly staged and managed manner is quite significant. I have not gone back and looked at the contribution I made to the house at the time, but I remember that I spoke against this and raised these same matters.

The Hon. W.A. Matthew interjecting:

Mr WILLIAMS: I am absolutely certain. I remember that the then Liberal government received bipartisan support for this measure. At the time, I could not understand why the then government sought to do this. Obviously, the member for Port Adelaide (the Deputy Premier) was in favour of this measure (and I do not blame him), because it was situated in his electorate, and he wanted to see the Wingfield dump closed. I remember his telling the house at the time that the dump was a blight on the Wingfield area (which is adjacent to Port Adelaide) and, as far as he and his constituents were concerned, the sooner it was closed the better.

The reality is that when one dump closes, the problem is shifted from one person's backyard into someone else's backyard. I understand that the good people up along Port Wakefield Road have been running a campaign for a number of years to stop a dump being established in their area. They do not want the Wingfield dump closed, because they know where it is proposed to build the next one: it will be situated in their area, and they do not want a dump there. They have mounted the same sort of arguments about the dump being a physical eyesore, as well involving the problem of rubbish trucks travelling up and down and rubbish spilling onto the roads (although I do not think that would be likely these days), and their area being known as the dumping ground for the City of Adelaide.

I sympathised with those people at the time, and I still do. I appreciate the contribution made by the member for Mitchell and what he said about a member introducing a motion for the house to consider, and an individual or group of people seeking to completely bastardise that motion. If the government does not want this matter put before the ERD Committee, it should defeat the motion. It should not change the motion completely, because that is unfair to any member in this place. I think a member has the right to put a motion before the house and have it considered in its own right and on its own merits. To have someone completely change the motion is disgraceful. I agree with the member for Mitchell's thoughts on that aspect.

I will not be supporting the amendment, because it has nothing to do with what the member for Schubert has asked the ERD Committee to examine. He wants the ERD Committee to see whether mistakes were made at the time (and I believe mistakes were made) and whether that could be redressed. If the ERD Committee is given the opportunity, I have faith that it will do it correctly and come up with the correct information and the right answers.

If the government does not trust the committee, it has the power do something about it. I do trust the ERD Committee, and I hope that the house will defeat the amendment and pass the original motion. I congratulate the member for Schubert on introducing the motion to the house.

Mr VENNING (Schubert): I want to thank all members who contributed to this debate, including the member for West Torrens, who introduced the amendment I am opposing. I also thank the members for Morphett, Mitchell, MacKillop and Goyder. I oppose the amendment, because, as mentioned by the member for MacKillop, it leaves out the issues relating to the Wingfield dump.

I do not know whether such an amendment would be ruled out of order by a chairman outside this place because it directly opposes the original amendment. Standing orders in this place are not specific in relation to what an amendment can and cannot do but, in the real world, amendments cannot directly oppose the original motion.

I specifically raised the issue of the Wingfield dump because it was the key issue that the ERD committee, of which I was then presiding member, addressed six or eight years ago in a very good report which, as the member for West Torrens knows, was quite controversial at the time. The Adelaide City Council was involved with the Wingfield dump, and the Port Adelaide Enfield council was involved with its own dump at Torrens Island and was opposed to the continuation of the Wingfield dump.

All sorts of accusations were made at the time. The Port Adelaide Enfield council said that it wanted the dump closed for environmental reasons but, of course, it wanted more business for its own dump on Torrens Island. The issue was hotly debated, and the committee met all the players. I always believed that the life of the Wingfield dump should not be decided by politics but should be decided when the site was full, when it should have been nicely capped off and finished with a roundly shaped hill. We did not want—

Mr Koutsantonis: Four years!

Mr VENNING: Seven years. I have no problem with this amendment but, because it deletes the first part of my original motion, I oppose it. If I had the time, I would be happy to amalgamate the two, but that would further complicate the issue. Whatever the result, I am happy for the member for West Torrens, or anybody else, to resubmit the amendment as a stand-alone motion. I have no problem with that course of action, and I am happy to support it.

The ERD committee should, for the sake of expediency and the parliament, look at its original report, the assessment that was made six years ago and what has happened now that the heat has gone out of the situation and it is nearing its last days. The committee should also look at the alternative for this dump.

I do not wish to cause any angst over this issue, and I did not move this motion with any trickiness or malice in mind. After all, I did not move the amendment. The former minister and I had words about this issue in the corridor, and I understand that there is some sensitivity about this amendment, although not just on the part of members opposite. This motion has been debated in good spirit. I urge members to oppose the amendment and support the original motion.

The house divided on the amendment:

AYES (23)

Atkinson, M. J.	Bedford, F. E.

AYES (cont.)

Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K. (teller)
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
McEwen, R.J.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. N.
Wright, M. J.	

NOES (21)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Kerin, R. G.
Matthew, W. A.	Maywald, K.A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H. (teller)
Williams, M. R.	

PAIR(S)

White, P. L.	Kotz, D. C.

Majority of 2 for the ayes.

Amendment thus carried; motion as amended carried.

The Hon. I.F. EVANS: On a point of order, Mr Speaker, following the division that was just held, I believe that both the member for Mitchell and I were missed in the count. We were both in the chamber, sitting behind the member for Morialta. I seek the Speaker's ruling as to whether the division needs to be held again, because we were clearly in the chamber and we are not recorded on the voting list.

The SPEAKER: The member for Davenport draws attention to something that I was aware of. I saw him here, but I cannot help it if the member for Schubert does not tell the result the way it is. I appointed the member for Schubert as the teller. The house agreed to that proposition. In any case, standing order 178 states:

> If there is confusion or error concerning the numbers recorded, the house proceeds to another division unless the confusion or error can be corrected otherwise.

Is it the will of the house to show the corrections in the division report?

Honourable members: Yes, sir.

The SPEAKER: Is there a proposition to that effect? The member for Davenport.

The Hon. I.F. EVANS: I move that proposition, sir.

The SPEAKER: Is there a seconder for that proposition?

Honourable members: Yes, sir.

The SPEAKER: Is there any debate on the proposition?

Mr HANNA: May I be informed as to whether the effect of this motion will be that I will be recorded as present, as indeed I was, for that division?

The SPEAKER: Yes, the honourable member will be. If this proposition passes, the division result will be amended to show that the member for Mitchell was present. I am able to order that under standing order 180. I had simply not remembered that at the time I made my remarks a minute ago, and I so order it now. The result of the division is therefore 23 ayes and 21 noes. The amendment still passes in the affirmative.

WARDANG ISLAND

Adjourned debate on motion of Mrs Hall:

That this house establish a select committee to—

(a) assess and report on the factors that have impeded progress in providing employment and investment opportunities that benefit the traditional owners of Wardang Island;

(b) support the Aboriginal communities in resolving ownership and native title claims within agreed time frames; and

(c) work in cooperation with the District Council of Yorke Peninsula to prepare an appropriate future development plan to allow Wardang Island to become a unique eco-tourism destination for South Australia.

(Continued from 21 August. Page 1203.)

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I move:

That the motion be amended to read:

That this house calls on the government to—

(a) assess the factors that have impeded progress in providing employment and investment opportunities that benefit the Point Pearce community, traditional owners of Wardang Island;

(b) support the Aboriginal communities in resolving ownership and native title claims;

(c) work in cooperation with the District Council of Yorke Peninsula to prepare an appropriate future development plan to allow the local indigenous communities to develop unique eco-tourism and cultural tourism opportunities for South Australia; and

(d) report back to parliament on the progress of these initiatives via a ministerial statement in October 2003.

The SPEAKER: The minister needs to provide the table of the house with a written copy of the amendment and not simply stand in her place and state an amendment to the motion. All members are entitled to a written copy of the proposition.

The Hon. J.D. LOMAX-SMITH: It has been handed up. I am sorry, sir.

The SPEAKER: It needs to be in the appropriate form, for example, 'leave out all words after. . . and substitute the following words. . . '. The minister may proceed with her remarks while that is arranged in proper form.

The Hon. J.D. LOMAX-SMITH: The substance of this amendment is to remove the requirement to establish a select committee because, in discussion with the member for Morialta, it is clear that we were keen to have action rather than a longstanding committee. Already the department has progressed negotiations between the indigenous community, the local council and our own project officers to find a way forward in this very difficult issue. I commend the member for Morialta in that she brought this matter further to our attention at a time when the federal government had given some funding to work on this project.

Part funding is available to develop a project and to put forward a status report, but the difficulties in this area do really relate to ownership and native title claims, as well as the ongoing cooperation with the District Council of Yorke Peninsula. I want to commend the honourable member's initiative and encourage members to support the amendment in the knowledge that this is about action, not another committee.

The SPEAKER: If the member for Morialta speaks she closes the debate.

Mrs HALL (Morialta): As the mover of the original motion, I rise to close the debate and, in doing so, I happily accept the amendment moved by the Minister for Tourism.

I thank the house for the interest and involvement to get us to this situation today. I appreciate the very cooperative approach that has been adopted by members of the government and, in particular, the interest that has been shown by a very diverse range of members and representatives from a number of the indigenous communities that are affected by this motion.

There have been, over the past few months, a number of meetings held to try to resolve this issue, and therefore I do look forward to the ministerial statement that, hopefully, will be released in October as a result of the passage of this resolution. I do not think there is any doubt that this will pave the way for progress in what I believe to be a very important issue, a future development plan for what I hope will be another unique ecotourism destination for our state. I urge the house to support the motion.

Amendment carried; motion as amended carried.

Mr MEIER: Mr Speaker, I again draw your attention to the state of the house.

The SPEAKER: It not being 15 minutes since the last call was made, the house cannot be counted.

BUSHFIRES

Adjourned debate on motion of Mr Brokenshire:

That this house establish a Select Committee to inquire into and report upon bushfire prevention, planning and management issues between Government and non-Government agencies, and in particular—

(a) current policies, practices and support for community education, awareness and planning to prevent bushfires on properties, and whether existing powers need to be strengthened to ensure that people who are not prepared to clean up their properties can be forced to do so by the relevant authorities;
(b) current policies on bushfire prevention, cold burns and fire breaks on land under the control of the State Government and especially National Parks and Conservation Parks, whether those policies are being effectively implemented and whether there should be a broadening of mosaic burns in National Parks;
(c) planning controls of Local Governments across the State, whether Councils have suitable planning and policy controls for bushfire prevention and whether or not there should be a recommendation for common planning and bushfire prevention controls across Local Government;
(d) the role and responsibilities for bushfire prevention between Local and State Government agencies;
(e) whether the Country Fires Act 1989 needs to be strengthened to give the Country Fire Service more control over enforcing bushfire prevention;
(f) evaluation of recent programs, namely, bushfire blitz, and community safety and education programs to see which has the best effect on bushfire prevention and planning for a community and whether that program should be extended beyond the Adelaide Hills and Fleurieu Peninsula to cover other rural areas;
(g) current and future methods of advising the community of the issues around fires, once they have started in their area;
(h) the provisions of the Native Vegetation Act 1991 to assess hazard reduction and fire breaks; and
(i) the current and future funding requirements for the Country Fire Service.

(Continued from 30 April. Page 2845.)

Mrs PENFOLD (Flinders): I commend the member for Mawson (Mr Brokenshire) on this timely motion to review bushfire protection. We are coming towards the end of the bushfire danger period. Therefore, a review at this time will be able to pick up on points where improvements can be made in readiness for the 2003-04 fire danger season. Fires are a part of the natural environment in Australia. Lightning strikes have always caused fires that burn large tracts of scrub. It is important, therefore, to take this aspect of fire prevention into account, along with what can be done to frustrate arsonists and educate to overcome carelessness and ignorance. It is commonsense to plan for such occurrences. It is imperative that we avoid the loss of property that happened in Victoria, the ACT and New South Wales during this past season, and in Tulka, in my electorate, the year before.

My electorate of Flinders has a large number of national and conservation parks covering a diversity of terrain, flora and fauna. We have experienced some devastating fires in the past few years, fortunately without loss of life, although this was more by good luck than good management on some occasions. The severity of the fires and the acreage burnt could have been reduced, I believe, if some more specific management practices had been in place.

One of the first requirements is the need to have a fire break surrounding a national or conservation park, and a break that is of sufficient width to either stop a fire or provide a means of control in adverse conditions—15 metres on three sides and at least 30 metres on the side farthest from the direction of the strong hot summer winds (usually from the north north-east) to prevent often inaccessible park fires burning private property, crops and livestock. I must say that 30 metres is not excessive in sections of national parks, where required, and acknowledgment of the need to clear that distance was given by national parks personnel when they cleared such an area with bulldozers to bare earth after a fire caused by lightning in the Gawler Ranges National Park. This was seen and photographed by the member for Stuart.

In our large parks it is also necessary to have internal fire breaks that can double as access roads. This provides a place from which to operate in the event of a fire so that a fire can be stopped before it burns out the whole of a park area. Controlled burning of selected areas so that the whole park area is subjected to this management practice over a period of some years should be standard procedure. This overcomes the devastation caused when a fire burns out virtually the whole of a park. It enables fauna to escape into safe areas, thus limiting their destruction.

For the nearly 10 years that I have been a member of parliament, I have heard the need for this controlled burning being discussed but never, that I know of, being implemented. Fires know no boundaries. Planning across local government boundaries needs to be cooperative, with some common basics from which to work but which nevertheless allow freedom to accommodate differences. The fire burning season at Ceduna on the west coast of Eyre Peninsula, for example, may well have different dates from the burning season around Mount Gambier in the South-East of the state. The dates in a wet season may well be different from those applying following a dry season or late and early seasons, so some flexibility is necessary.

Government grants should be provided to councils in lieu of the rate revenue not received, and there should be an appreciation of the additional cost of these parks to the council and the local community. I understand that a grant is already provided to the councils that are host to the government pine forests in the South-East. While the fire is raging, decisions must be decisive and actions quick, and everyone involved must know their responsibilities and their limitations. It is essential that bushfire prevention and control be coordinated across local and state government agencies and

various emergency fire services, and that the plan must enable the utilisation of available private planes if required at a moment's notice.

Discussions over delineation of boundaries of responsibility, decision making and operational procedures should be undertaken prior to an actual fire. They should not be undertaken during the process of fighting a fire, when disputes have the potential to create delays and to cause dangers that could be avoided. Parks people should be part of the local CFS so that they are properly trained and equipped and used to working in close cooperation with their local community. Local CFS members with parks in their region should be trained especially for fires in parks.

Fires move quickly, with circumstances changing frequently. The emergency radio network is crucial, and I am concerned that it has not been fully rolled out in region six, which covers my electorate. Region six was the last region to be rolled out, and I have heard that some aspects are still not fully operational.

The necessity for public briefings would depend on a number of factors, such as the extent of the fire and the weather conditions at the time. The usefulness of modern technology such as faxes, emails and web sites in getting information out quickly and accurately in remote areas should be investigated and improved if necessary. The ABC Radio received numerous letters and expressions of thanks for the information that it broadcast regularly during the Canberra fires. While radio is a valuable tool, it must be remembered that there are still some spots in the state where radio reception is poor.

I support the necessity to review the Native Vegetation Act 1991 in relation to bushfire prevention and the fighting of fires once a fire has started. When considering hazard reduction, a plan to remove noxious weeds from parks is imperative. Allepo pines and boxthorns are both highly flammable and difficult to penetrate when fire access is needed. Bridal creeper corms can smoulder for days. They are all increasing rapidly and choking out the native species. It is important to protect native vegetation. Nevertheless, vegetation should not be more important than people. Some decisions have recently elicited the wry comment from a visiting Canadian that in South Australia a bush or tree is of more importance than a person.

I am proud of the lift in funding, facilities and equipment that the Country Fire Service received from our Liberal government through the emergency services levy. I am proud of the CFS, an organisation of volunteers who train in their own time and most often at their own expense to provide a network of safety for our communities. I am proud also of the businesses that support them, and of the paid officers in the MFS and SES who work with them. Bushfires are a permanent part of life. There is nothing to gain and much to lose if they are not properly controlled. I support the motion.

Mrs GERAGHTY secured the adjournment of the debate.

STATUTES AMENDMENT (COURTS) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988, the De Facto Relationships Act 1976, the Development Act 1993, the Environment, Resources and Development Court Act 1993, the Magistrates Act 1983, the Magistrates Court Act 1991, the Summary Procedure Act 1921 and the Supreme Court Act 1935; to make related amendments to various other acts; and for other purposes. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

Owing to differences on the Supreme Court about the maximum sentence a magistrate may apply, the bill says that magistrates may impose for any one offence a maximum term of imprisonment of two years and a fine of $10 000, or for more than one offence a term of imprisonment of five years or a fine of $150 000.

Husbands and wives who are in court to divorce have, since 1975, been protected from their names and details of their proceedings being published, broadcast or televised. Media coverage of property disputes between married couples is regarded as an unjustified intrusion into the divorcing couple's privacy. De facto couples, that is, unmarried couples, whose property disputes are resolved in court, under the state De Facto Relationships Act 1996 are not protected from media coverage.

The government believes there is no legitimate public interest in the property disputes of de facto couples. We do not think that the provision for suppression orders is adequate to solve this problem. The bill prohibits coverage of de facto property disputes that could tend to identify a party or witness to the proceedings or a person who is related to or associated with a party or witness in the proceeding.

The bill also amends the Environment, Resources and Development Court Act to allow a judge to sit with just one commissioner in a planning matter as it may in its water resources and environmental jurisdiction. The presiding member will be known henceforth as the senior judge and the assistant registrar as the deputy registrar.

The Magistrates Act is amended to permit the appointment of part-time magistrates and appointments to serve as a resident magistrate in a country area. Serving magistrates may apply to go part time. The bill puts restrictions on the non-judicial activities of part-time magistrates. For instance, they may not practise law for fee or reward. The bill lifts the jurisdictional limits of the Magistrates Court from a $40 000 cap for non motor vehicle personal injury cases to the $80 000 already applying for actions for damages or compensation arising out of a motor vehicle accident. This will allow more litigants to take advantage of the lower costs in the Magistrates Court.

Another change proposed in the bill is to allow appeal against a decision by a Magistrates Court in a criminal proceeding on a relevant question, defined to mean a stay for abuse of process, a question of law or a question of how a judicial discretion should be exercised to the extent that it is not a question of law.

Another proposed change is for offences against section 56 of the Criminal Law Consolidation Act, namely, indecent assault, to be tried in the superior courts if the victim is under 12 years of age. Thus the offence would become major indictable.

The bill allows the Workers Compensation Tribunal to ask the Attorney-General to apply to the Supreme Court to have a particular person declared a vexatious litigant and so prevent it from instituting further proceedings without the leave of the court.

I seek leave to insert in *Hansard* the remainder of the second reading speech dealing with each of those proposed changes and another proposed change in more detail without

my reading it, and to insert the explanation of clauses without my reading it.

Leave granted.

This Bill makes a number of important amendments to the legislation governing the State's courts.

Criminal Law (Sentencing Act) 1988

The criminal jurisdiction of the Magistrates Court is set out in section 19 of the *Criminal Law (Sentencing) Act 1988*. Section 19(3) provides that the Court does not have the authority to impose a sentence of imprisonment that exceeds two years or a fine that exceeds $150 000.

Section 19 was inserted in 1991 as a part of a wholesale re-structuring of the jurisdiction of the courts, both criminal and civil.

Section 19(3) must be read in conjunction with section 18A of the Act. Section 18A is the so-called 'global sentence' provision. It enables the court, when faced with a defendant who has been convicted on a number of counts, to by-pass the necessity to pass a sentence for each of the counts. Instead, the court can set one sentence that responds to the totality of the offending.

Lawyers are confused owing to conflicting Supreme Court decisions on the relationship between section 18A and section 19(3). With one exception, the Supreme Court has held that the two year limit applies to each count and not the aggregation of counts. This line of authority suggests that the sentencing authority of the Magistrates Court is unlimited in theory. However, in *Hunt* (2001), Justice Lander held that the power to impose a global sentence of imprisonment under section 18A was constrained by the two year limit set down in section 19(3).

Hunt appears to be contrary to the previous authorities, although the Court did not cite or discuss any of them.

Clause 4 of the Bill amends section 19(3) to ensure that the relationship between the two provisions is clear. The Court will, under the amended provision, be prohibited from imposing, for any one offence, a sentence of imprisonment that exceeds two years or a fine that exceeds $10 000, or, for a number of offences, a term of imprisonment that exceeds five years or a fine that exceeds $150 000.

De Facto Relationships Act 1996

Section 121 of the Commonwealth *Family Law Act 1975* makes it an offence to publish an account of proceedings, or a part of proceedings, that identifies parties, witnesses or other persons associated with Family Court proceedings under that Act.

Section 121 was enacted because media coverage of private property disputes between married couples is seen as an intrusion into people's private lives that is not warranted by any genuine public interest, may cause emotional harm to the parties and their families, may encourage people to engage in trial by media, or, worse, discourage people from exercising their entitlements under the law.

The Family Law Act does not apply to unmarried couples. Therefore, section 121 does not protect separating *de facto* couples from publication of details of their property disputes. In South Australia such disputes are dealt with under the *De Facto Relationships Act 1996*. This Act contains no equivalent of section 121 of the Family Law Act.

At present, parties to a property division in a South Australian court have only the suppression laws under section 69a of the *Evidence Act 1929* to protect them from identification through published accounts of proceedings. An application for suppression of publication of proceedings may be made on the grounds that it is necessary either to prevent prejudice to the proper administration of justice, or to prevent undue hardship to a witness or potential witness who is not a party to the proceedings.

When a court considers the question of making a suppression order, the public interest in the publication of information about court proceedings and the consequential right of the news media to publish such information are recognised as substantial considerations. The decision by a court not to make a suppression order can be varied only on appeal.

Applying for suppression orders, although on its face a means of safeguarding personal and family privacy, does not guarantee protection. If opposed by the media, the suppression order proceedings can be expensive and protracted, with no predictable outcome. If the application fails, publication is virtually guaranteed, regardless of whether the issues were worthy of public attention, or whether the public has any legitimate interest in knowing the identity of the parties. Faced with this prospect, separating *de facto* partners may well feel disinclined to avail themselves of their legal entitlements under the Evidence Act.

The De Facto Relationships Act applies similar principles to the division of the property of separated *de facto* couples as the Family Law Act does to the division of the property of separated married couples. There is no reason the law should not afford identical protection from publicity to both types of couple. Indeed, it could be argued that it is discriminatory not to do so.

Clause 6 of the Bill inserts new section 14A into the De Facto Relationships Act.

New section 14A prohibits a person publishing, by radio, television, newspaper or in any other way, a report of a proceeding, or part of a proceeding, under the Act containing information that identifies or could tend to identify:

- a party or witness to the proceeding; or
- a person who is related to, or associated with, a party to the proceeding or a witness in the proceeding, or is alleged to be in any other way concerned with the matter to which the proceeding relates.

The maximum penalty for a breach of these new provisions will be a fine of $10 000 or imprisonment for two years.

Development Act 1993

Section 15 of the *Environment, Resources and Development Court Act 1993* (the ERD Court Act) governs the constitution of the Environment, Resources and Development Court when it hears and determines matters, or particular classes of matters. It provides that the Presiding Member of the Court may decide, on a particular matter or matters, or particular classes of matters, that the Court will be constituted of either:

- a Judge, a magistrate and not less than one commissioner, or a Judge and not less than two commissioners (this is referred to as a 'full bench'); or
- a Judge, magistrate or commissioner sitting alone; or
- two or more commissioners.

Section 15 applies to determine the constitution of the Court when it exercises its planning jurisdiction under the Development Act. This means that, when exercising its planning jurisdiction, there is no provision to enable a judge and a single commissioner to hear a matter. This is inconsistent with the provisions governing the Court's constitution in its environmental and water resources jurisdictions. Both the Environmental Protection and Water Resources Acts provide that the Court, when exercising jurisdiction under those Acts, may, if the Presiding Member of the Court so determines, be constituted of a Judge and one commissioner.

Clause 7 of the Bill inserts new section 98 into the *Development Act 1993*. New section 98 authorises the Senior Judge of the Court to decide that the Court may be constituted by a Judge and one commissioner in cases in which the Presiding Member considers it appropriate.

Environment, Resources and Development Court Act 1993

Section 8 of the ERD Court Act affords the title of 'Presiding Member' to the senior judge of the Court.

Section 14 of the Act establishes the Court's administrative and ancillary staff, including the position of 'Assistant Registrar'.

The title 'Presiding Member' is confusing to those dealing with the Court. It does not clearly convey to members of the public that the position is held by a judge. This is particularly the case given the use of lay commissioners and magistrates to hear matters. The Industrial Relations and Youth Courts, courts of equal status to the ERD Court, accord the title 'Senior Judge' to their respective senior judges.

The title 'Assistant Registrar' does not accurately reflect the role performed by the person in that position. The Assistant Registrar performs a full deputy role to the Registrar, having the authority to sign orders of the Court in the absence of the Registrar.

After consulting with the Presiding Member and the Registrar of the Court, the Government has decided to ask Parliament to change the title of the senior judge of the Court from 'Presiding Member' to 'Senior Judge' and the title of the senior administrative officer of the Court from 'Assistant' to 'Deputy' Registrar.

These changes are effected by clauses 8 to 16 of the Bill.

Magistrates Act 1983

The legislation governing the appointment of magistrates, the *Magistrates Act 1983* does not allow for the appointment of magistrates on a part-time basis. Nor does it allow for a magistrate to be appointed specifically to serve as a resident magistrate in a country area.

Permitting the appointment of magistrates on a part-time basis will promote greater flexibility within the magistracy. It is also likely to attract to the magistracy persons who are highly qualified for appointment, but who are not attracted to full-time employment. The

ability to work part-time should make the magistracy more attractive to those persons with young children and other family responsibilities. It could also allow magistrates to study part-time.

Part 6 of the Bill contains amendments to the Magistrates Act to deal with these matters.

Clause 18 amends section 5 of the Act to allow for a magistrate to be appointed on a part-time basis and for a magistrate originally appointed on a full-time basis to enter into an agreement with the Chief Magistrate to perform his or her duties part-time.

Clauses 19, 20 and 21 of the Bill provide for the *pro-rata* remuneration of part-time magistrates.

Clause 22 of the Bill places restrictions on the non-judicial activities of part-time magistrates. Part-time magistrates will be prohibited from practicing law for fee or reward, or, without the written approval of the Chief Justice given with the concurrence of the Chief Magistrate:

- to practise any other profession for remuneration; or
- to carry on any trade or business; or
- to hold any paid office in connection with a business; or
- to engage in any form of work for remuneration.

These restrictions will ensure that the independence of part-time magistrates is not compromised, or, importantly, is not seen to be compromised, by their non-judicial activities.

The Government believes that South Australians who live and work in regional areas should have the same access to justice as other residents of the State. In line with this, it is the Government's view that magistrates should be appointed to sit permanently in regional cities.

As I have said, the Magistrates Act does not currently provide for the appointment of magistrates specifically to sit in country areas. To address this, clause 18 of the Bill inserts new subsection (7) into section 5 of the Act. This new provision will allow for the instrument of appointment of a magistrate to contain a condition requiring the magistrate to serve wholly or mostly in a particular place in accordance with the directions of the Chief Magistrate. New subsections (8) and (9) will allow the Governor, on the recommendation of the Attorney-General made with the concurrence of the Chief Magistrate, to vary such a condition upon written notification to the magistrate concerned.

Magistrates Court Act 1991

Section 8(1)*(a)* of the Magistrates Court Act sets out the civil jurisdiction of the Court in personal injury claims. It provides that the Court has jurisdiction to hear and determine an action (at law or in equity) where the amount claimed does not exceed:

- $80 000, where the claim is for damages or compensation for injury, damage or loss caused by, or arising out of, the use of a motor vehicle; or
- $40 000, in any other case.

These figures were increased in 2001 by the *Statutes Amendment (Courts and Judicial Administration) Act 2001* from $60 000 and $30 000 respectively.

The monetary limits of the Magistrates Court are set to try to ensure that cases that are likely to involve more complicated legal and factual issues are litigated in the District Court where the expertise of the Judges and the more senior legal practitioners who appear in that jurisdiction are considered greater than those of the magistracy and the practitioners who appear mostly in the Magistrates Court. Claims for larger sums of money tend to be more complicated, thereby raising more complicated legal and factual matters.

The monetary limit of the Magistrates Court for motor vehicle related personal injuries claims has traditionally been higher than for all other claims because there is not considered to be the same relationship between the complexity of a case and the amount of the claim in personal injury claims involving a motor vehicle. The legal principles applied in motor vehicle personal injury accident claims tend to be similar, irrespective of the amount of the claim.

As with motor vehicle claims, the legal principles involved in personal injury accident claims tend to be similar, irrespective of the amount of the claim, and, as such, there is little correlation between the amount claimed and the complexity of the legal and factual issues arising. Magistrates and practitioners experienced in motor vehicle personal injury claims of up to $80 000 should be well equipped to handle other personal injury claims of up to that amount.

After consulting the Chief Magistrate, the Chief Judge of the District Court and Chief Justice, the Government has decided to ask Parliament to remove the distinction between motor vehicle and other personal injury claims. Clause 25 of the Bill amends section 8 of the Magistrates Court Act so that the following revised jurisdictional limits will apply:

- if the action is for damages or compensation for personal injury—$80 000;
- if the action is for damages or compensation for loss of or damage to property arising out of a motor vehicle accident—$80 000;
- in any other action (at law or in equity)—$40 000.

The appeal provisions of the Magistrates Court are set out in section 42 of the Magistrates Court Act.

The recent decision of the Full Court of the Supreme Court in *Police v Dorizzi* illustrates a problem with section 42. In *Dorizzi*, the Full Court held that section 42 does not enable a party to a criminal proceeding (in this case the prosecution) to appeal a ruling on the admissibility of evidence by a magistrate. *Dorizzi* involved the prosecution of a number of nightclub security guards for assault. The key prosecution evidence was a number of tapes from various video-surveillance cameras purporting to show the offence taking place. The magistrate hearing the matter ruled the video tapes inadmissible. As a result, the prosecution case collapsed. The magistrate ruled that there was no case to answer and ordered that the case be dismissed.

The prosecution appealed the magistrate's decision to a single judge of the Supreme Court under section 42. On appeal, the Judge ruled that the video tape was incorrectly ruled inadmissible, set aside the magistrate's orders, and ordered a re-trial. On further appeal, however, the Full Court held that the prosecution could not have succeeded in its appeal as section 42 did not authorise an appeal against the magistrate's ruling on the admissibility of the video tapes.

Clause 26 of the Bill amends section 42 to provide a right of appeal against a decision by the Magistrates Court in a criminal proceeding on a 'relevant question' either by the prosecution or the defence. A 'relevant question' is defined to mean:

- a question as to whether proceedings on a complaint or information or a charge contained in a complaint or information should be stayed on the grounds of an abuse of process;
- a question of law: or
- to the extent it does not constitute a question of law, a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

To ensure the new appeal rights are not used as a means of unduly frustrating a criminal prosecution, they are subject to the following limitations:

- they will not apply to preliminary examinations;
- a defendant will require leave to appeal if wishing to appeal a decision before or during a trial;
- the DPP will require leave to appeal where the decision relates to a ground other than a question of law.

Clause 28 of the Bill ensures that the new appeal rights will not apply retrospectively.

Summary Procedure Act 1921

Section 103(3) of the Summary Procedure Act provides that a defendant charged with a minor indictable offence may elect, in accordance with the rules of court, for trial in a superior court, and, if no such election is made, the charge will be dealt with in the same way as a charge of a summary offence.

Section 5 of the Summary Procedure Act provides for the classification of offences. Subsection (3)*(a)*(iii) classifies offences against section 56 of the *Criminal Law Consolidation Act 1935* ('CLCA') (indecent assault) as minor indictable offences.

As a 'minor indictable offence', a prosecution for an offence against section 56 of the *Criminal Law Consolidation Act* will be tried, unless an election is made by the defendant under section 103(3) of the Summary Procedure Act, by way of summary trial in the Magistrates Court.

Both the Director of Public Prosecutions and the Chief Magistrate have expressed the view that offences against section 56 of the CLCA, particularly offences against children under the age of 12 years, should be prosecuted in the superior courts. The Government agrees.

Clause 29 of the Bill amends section 5(3)*(a)*(iii) of the Summary Procedure Act to take offences under section 56 of the CLCA against a child under the age of 12, which carry a maximum penalty of 10 years (as opposed to offences against persons aged 12 years or over, which carry a maximum penalty of eight years), out of the definition of 'minor indictable offence'. All such offences will become major indictable offences and hence, after a preliminary hearing, be prosecuted in a superior court.

The Government is aware of concerns that, as a result of these amendments, some defendants may be less inclined to plead guilty to offences against section 56 involving children under the age of 12.

While it is unlikely that this will be the case, the Government is determined to ensure that the amendments have no unintended effect on the number of matters under section 56 that run to trial.

The situation will therefore be monitored and, if it appears that these amendments have had any material effect on the number of guilty pleas under section 56, the Government will revisit the issue.

Supreme Court Act 1935

Section 39 of the Supreme Court Act deals with vexatious litigants. Subsection (1) authorises the Supreme Court, where satisfied that a person has persistently instituted vexatious proceedings, to make these orders:

- an order prohibiting the vexatious litigant from instituting further proceedings, or further proceedings of a particular class, without leave of the Court;
- an order staying proceedings already instituted by the vexatious litigant.

The Court may make the orders on the application of the Attorney-General or another interested person.

Subsection (2) provides that where the Supreme Court, or any other court of the State, believes that there are grounds for an application under subsection (1), the court may refer the matter to the Attorney-General.

Subsection (6) provides that a reference to a 'proceeding' extends to both civil and criminal proceedings, whether instituted in the Supreme Court or some other court of the State.

In *Attorney-General for the State of South Australia v Burke*, the Supreme Court ruled that proceedings in the Residential Tenancies Tribunal or the Planning Appeals Tribunal could not properly be characterised as being proceedings instituted in a 'court of the State.'

In light of this decision, it is doubtful that the Workers Compensation Tribunal possesses the power to refer a matter to the Attorney-General under subsection (2), or that, in any event, the Supreme Court can make an order under subsection (1) about Tribunal proceedings.

Clause 31(1) of the Bill replaces the reference to 'the Supreme Court or any other Court' in section 39(2) with 'prescribed court'. Clause 31(2) replaces subsection (6) with a new subsection which defines 'prescribed court' to mean:

- the Supreme Court; or
- any other court of the State; or
- the Workers Compensation Tribunal; or
- any other tribunal of the State prescribed by the regulations,

and 'proceedings' to mean civil or criminal proceedings instituted in a prescribed court.

No other tribunals are to be prescribed at this time and will not be unless evidence that this is necessary is forthcoming.

Retrospective commencement of certain provisions of the Criminal Law Consolidation Act 1935

Part 8A of the *Criminal Law Consolidation (Mental Impairment) Amendment Act 1995* codifies the law applying to criminal defendants unable, owing to mental impairment, to plead to, or be convicted of, a criminal offence. Sections 269F and 269G set out the procedure to be followed by a court when a defendant is found not guilty of a criminal offence owing to mental incompetence. In such a case, the defendant, having been found not guilty of the criminal offence, is liable to supervision.

In 2000 Parliament enacted important amendments to the mental impairment provisions to answer questions and doubts that arose in the application of the legislation during its early years of operation.

These amendments inadvertently repealed the words 'liable to supervision' in section 269G. This meant that a court was no longer authorised to declare a person liable to supervision upon a finding of mental incompetence, leading to an acquittal in certain circumstances.

This was rectified in the *Criminal Law Consolidation (Offences of Dishonesty) Act 2002*. However, this Act contained a general transitional provision the effect of which was to apply the amendment to section 269G only to offences committed after 16 January 2003, the date of commencement of that Act.

It is therefore necessary to ensure, by way of an express provision, that the amendments to section 269G contained in the Criminal Law Consolidation (Offences of Dishonesty) Act are given retrospective operation to the date of commencement of the *Criminal Law (Mental Impairment) Amendment Act 2000*. This is achieved by clause 32 of the Bill.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Criminal Law (Sentencing) Act 1988

Clause 4: Amendment of section 19—Limitations on sentencing powers of Magistrates Court

This clause amends section 19 to make it clear that the Magistrates Court cannot impose in respect of a single offence a term of imprisonment exceeding 2 years or a fine exceeding $10 000 or, in respect of a number of offences, a term of imprisonment exceeding 5 years or a fine exceeding $150 000.

Clause 5: Transitional provision

This clause makes it clear that the amendments to section 19 are not retrospective.

Part 3—Amendment of De Facto Relationships Act 1996

Clause 6: Insertion of section 14A

14A. Restriction on publication of proceedings

Proposed section 14 makes it an indictable offence, punishable by a maximum fine of $10 000 or a maximum of 2 years imprisonment, for a person to publish—

- a report of a proceeding under the Act that identifies or could tend to identify a party, a witness, a person related to or associated with a party or witness, or any other person concerned in the matter to which the proceeding relates; or
- a list of proceedings under the Act identified by reference to the names of the parties.

A prosecution can only be commenced by, or with the consent of, the Director of Public Prosecutions.

The proposed section does not apply in relation to—

- the communication of various court documents for use in other proceedings in a court or tribunal, in disciplinary proceedings before a body against a member of the legal profession or to facilitate the making of a decision relating to the provision of legal aid; or
- the publication of reports or notices made in accordance with the directions of a court or tribunal; or
- the publication, under the authority of a court hearing proceedings under the Act, of lists of those proceedings; or
- the publication of genuine law reports or other publications of a technical nature for use by a profession; or
- the publication of reports to members of a profession in connection with professional practice or professional training; or
- the publication of reports to parties in proceedings under the Act in connection with the conduct of the proceedings; or
- the publication of reports to students in connection with their studies.

Part 4—Amendment of Development Act 1993

Clause 7: Insertion of section 98

This clause inserts new section 98 to enable the Environment, Resources and Development Court to be constituted of a Judge and single commissioner when exercising its jurisdiction under the Development Act.

Part 5—Amendment of Environment, Resources and Development Court Act 1993

Clause 8: Amendment of section 3—Interpretation

This clause amends the definition of 'registrar' so as to change the title of 'Assistant Registrar' to 'Deputy Registrar'.

Clause 9: Amendment of section 8—Judges of the Court

Clause 10: Amendment of section 9—Magistrates

Clause 11: Amendment of section 13—Disclosure of interest by members of the Court

These clauses replace references to 'Presiding Member' with references to 'Senior Judge'.

Clause 12: Amendment of section 14—Court's administrative and ancillary staff

This clause amends section 14 so as to change the title of 'Assistant Registrar' to 'Deputy Registrar' and replace the reference to 'Presiding Member' with reference to 'Senior Judge'.

Clause 13: Amendment of section 15—Constitution of Court

Clause 14: Amendment of section 16—Conferences

Clause 15: Amendment of section 18—Time and place of sittings

Clause 16: Amendment of section 48—Rules

These clauses replace references to 'Presiding Member' with references to 'Senior Judge'.

Part 6—Amendment of Magistrates Act 1983

Clause 17: Amendment of section 3—Interpretation
This clause amends section 3 to insert a definition of 'part-time magistrate'.

Clause 18: Amendment of section 5—Appointment of magistrates
This clause amends section 5—

- to provide for the appointment of magistrates on a part-time basis; and
- to require the Attorney-General to consult with the Chief Justice and the Chief Magistrate before recommending an appointment of a magistrate on a part-time basis; and
- to enable magistrates appointed on a full-time basis to carry out their duties on a part-time basis by written agreement with the Chief Magistrate made with the approval of the Attorney-General; and
- to enable the hours of duty specified in an instrument of appointment or agreement to be varied by written agreement between the magistrate and the Chief Magistrate made with the approval of the Attorney-General; and
- to enable an instrument of appointment to contain a condition requiring the magistrate's duties to be performed wholly or predominantly at one or more specified places in accordance with directions given by the Chief Magistrate; and
- to empower the Governor, on the recommendation of the Attorney-General made with the concurrence of the Chief Magistrate, to vary such a condition of an appointment; and
- to require a magistrate to be notified in writing of a variation to his or her instrument of appointment.

Clause 19: Amendment of section 13—Remuneration of magistrates
This clause amends section 13 to provide that a stipendiary magistrate (whether appointed on a full-time or part-time basis) is, while performing the duties of his or her office on a part-time basis, entitled to remuneration on a pro-rata basis in respect of his or her hours of duty at the rate determined by the Remuneration Tribunal under this section in relation to a stipendiary magistrate appointed on a full-time basis.

Clause 20: Amendment of section 15—Recreation leave
Clause 21: Amendment of section 16—Sick leave
These clauses amend the Act to provide that part-time magistrates are entitled to pro-rata recreation leave and pro-rata sick leave in respect of their hours of duty.

Clause 22: Amendment of section 18A—Concurrent appointments and outside employment, etc
This clause amends section 18A to prohibit part-time magistrates from practising the profession of the law and, without the written approval of the Chief Justice given with the concurrence of the Chief Magistrate, from practising any other profession for remuneration, from carrying on any trade or business, from holding any paid office in connection with a business, or from engaging in any form of work for remuneration.

Clause 23: Transitional provision
This clause provides that the amendments to section 18A do not apply in relation to magistrates appointed before the commencement of the measure.

Part 7—Amendment of Magistrates Court Act 1991

Clause 24: Amendment of section 3—Interpretation
This clause amends section 3 to insert a definition of 'industrial offence'.

Clause 25: Amendment of section 8—Civil jurisdiction
This clause amends section 8 to confer on the Magistrates Court jurisdiction to hear and determine all actions damages or compensation for personal injury where the amount claimed does not exceed $80 000.

Clause 26: Amendment of section 42—Appeals
This clause amends section 42 to enable a party to a criminal action (other than a preliminary examination) to appeal against a decision of the Magistrates Court on a relevant question if the decision is adverse to that party. The appeal is as of right on grounds involving questions of law alone or with leave of the appellate court on any other grounds. A relevant question is defined to mean—

- a question (whether arising before or at trial) as to whether proceedings on a complaint or information or a charge contained in a complaint or information should be stayed on the ground that the proceedings are an abuse of process of the court; or
- a question of law; or
- to the extent that it does not constitute a question of law—a question about how a judicial discretion should be exercised or whether a judicial discretion has been properly exercised.

The provisions are modelled on section 352 of the *Criminal Law Consolidation Act 1935*.

Clause 27: Amendment of section 43—Cases stated
This clause is consequential on the insertion of the definition of 'industrial offence'.

Clause 28: Transitional provision
This clause provides that the amendments to section 8 do not affect proceedings that have already been commenced, and makes it clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

Part 8—Amendment of Summary Procedure Act 1921

Clause 29: Amendment of section 5—Classification of offences
This clause amends section 5 to make indecent assault against a child under 12 years of age a major indictable offence.

Clause 30: Transitional provision
This clause makes it clear that the amendments to section 5 are not retrospective.

Part 9—Amendment of Supreme Court Act 1935

Clause 31: Amendment of section 39—Vexatious proceedings
This clause amends section 39 to enable the Workers Compensation Tribunal and other tribunals of the State prescribed by the regulations to refer to the Attorney-General matters where it appears there are proper grounds for an application to the Supreme Court for an order prohibiting a person who persistently institutes vexatious proceedings from instituting any further proceedings without leave of the Court, and an order staying existing proceedings.

Part 10—Retrospective commencement of certain amendments

Clause 32: Retrospective commencement of amendments to Criminal Law Consolidation Act 1935
This clause provides that section 10 of the *Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002* will be taken to have come into operation on 29 October 2000 immediately after the *Criminal Law Consolidation (Mental Impairment) Amendment Act 2000* came into operation.

Schedule—Related amendments

The Schedule amends the *Environment Protection Act 1993*, the *Irrigation Act 1994*, the *Native Vegetation Act 1991* and the *Water Resources Act 1997* to replaces the references to 'Presiding Member' of the Environment, Resources and Development Court with references to 'Senior Judge' of that Court.

Ms CHAPMAN secured the adjournment of the debate.

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

STATUTES AMENDMENT (EXPIATION OF OFFENCES) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Expiation of Offences Act 1996, the Road Traffic Act 1961 and the Summary Procedure Act 1921. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill deals with three major problems that have been identified in the interpretation and administration of the Expiation of Offences Act. First, on 17 October 2001, Magistrate Vass, in Police v Hunter, ruled that when an expiation noticed had been issued and then withdrawn because of an error there was no authority in the Expiation of Offences Act to issue a fresh, corrected expiation notice for the same offence. After this decision, and relying on Crown Law advice, the Commissioner of Police ceased the previously common practice of correcting a defective expiation notice by withdrawal and reissue of the notice. Since that time the Police Commissioner has refunded about $290 000 in expiation fees from about 3 300 defective notices. Being unable to reissue defective infringement notices is still causing revenue losses and unreasonably hampering the proper enforcement of the law.

SAPOL has advised that in the six months ending 31 March 2003 expiation notices to a total of $209 000 were

withdrawn and could not be reissued. Demerit points applied to drivers licences have had to be reversed and, in some cases, licence disqualifications also have had to be reversed. Secondly, there is an even more common problem involving offences detected by speed cameras or red light cameras. When these offences are detected, an expiation notice is sent to the owner of the vehicle. The owner may respond by sending to the Commissioner of Police a statutory declaration under section 79B(2)(b) of the Road Traffic Act. The statutory declaration will be a complete defence if the owner either provides the name and address of some other person who was driving the vehicle at the time or, if, despite the exercise of reasonable diligence, the owner cannot identify the driver.

Assuming that an identifiable person is named as the driver, the Commissioner of Police routinely issues a fresh expiation notice to the nominated driver. If the nominated driver convinces the commissioner that he or she was not driving, then, unless a third person is identified as the driver, the commissioner's policy is to issue a fresh expiation notice, usually sent for the second time to the registered owner. Alternatively, rather than targeting the owner, if there is a real prospect of identifying the offending driver, the commissioner will follow a chain of several persons, if necessary, each with successive expiation notices, in an attempt to identify the driver responsible for a camera detected offence.

This is a labour intensive practice and it is expected that the practice is about to become much more common. The Statutes Amendment (Road Safety Reforms) Bill 2002, currently before parliament, proposes to allocate drivers licence demerit points to persons who expiate camera detected offences. When and if that bill comes into operation, the Commissioner of Police estimates that the number of statutory declarations received will grow from 2 000 to 3 000 a month to more than 10 000. There is clearly a need to ensure that the responsibility for offences detected by cameras can be sheeted home either to the responsible driver or to the registered owner as efficiently and justly as possible.

Thirdly, section 6(1)(e) of the Expiation of Offences Act prevents an expiation notice from being issued more than six months after the date on which the offence or offences are alleged to have been committed. The Commissioner of Police believes that the present practice of withdrawing and then reissuing notices enables owners and nominated drivers to collude to delay procedures so that ultimate notice cannot be issued because it would be issued more than six months after the commission of the offence.

I now turn to the substantive amendments. The bill deals with all three of these problems. First, it provides explicitly that an expiation notice may be withdrawn and reissued, both to correct defects in the notice and in circumstances where a statutory declaration has been received. Secondly, it provides that when a statutory declaration is received from a registered owner and that statutory declaration is not accepted as constituting a defence, the issuing authority is not required to issue a reminder notice, inviting the vehicle owner to make another statutory declaration. Rather, the owner is to be sent an expiation enforcement warning notice offering the choice of either paying the expiation notice within 14 days or contesting the matter in court.

Thirdly, when a registered owner provides a statutory declaration, an issuing authority will be provided within 12 months rather than six months in which to issue expiation notices for that offence. The additional time period is intended to thwart the prospect of owners and successive nominated drivers colluding to delay matters beyond the present six-month time limit. This is to apply only to offences against section 79B of the Road Traffic Act, that is, camera detected offences.

I turn now to parking and other offences. There are several acts and sets of regulations that create other expiable vehicle related offences for which a vehicle owner is invited to supply a statutory declaration. These are mostly parking offences. Some that are not parking offences prohibit, for example, the use of vehicles on West Beach foreshore, bringing heavy vehicles into the Botanic Gardens, failing to pay a toll on the third Port River crossing, etc. These offences are found in the Road Traffic Act, section 174A, the Local Government Act 1934 and council by-laws made under those statutory powers, the National Parks and Wildlife Act, National Parks (Parking) Regulations 1997, Highways Act 1926, West Beach Recreation Reserve Act 1974, Technical and Further Education (Vehicles) Regulations 1998, Botanic Gardens and State Herbarium (Vehicles) Regulations 1993.

None of these offences attracts drivers' licence demerit points. A registered owner who receives an expiation notice or expiation reminder notice about one of these other offences also has the option of supplying a statutory declaration naming another person who was driving or had possession or control of the vehicle at the relevant time. Such a statutory declaration is a complete defence unless it is 'false in a material particular'.

The second of the substantive amendments in this bill also affects these other expiable offences. For each of these offences, when a statutory declaration is received from a registered owner, and that statutory declaration is not accepted as constituting a defence (that is, when the issuing authority forms the view that it is 'false in a material particular'), then the issuing authority is not required to issue a reminder notice inviting the vehicle owner to make another statutory declaration. Rather, the owner is to be sent an 'expiation enforcement warning notice', offering the choice of either paying the expiation notice within 14 days or contesting the matter in court.

I turn now to consequential amendments. The bill provides that, if enforcement proceedings have been commenced before an expiation notice is withdrawn, the court must be notified and any orders taken to be revoked. An amendment to section 52 of the Summary Procedure Act would prevent issuing authorities gaining extra time to prosecute by withdrawing and reissuing defective notices. The prosecution period (six months plus the expiation period of 28 days) is to be fixed by reference to the original defective notice, not any subsequently reissued notice. An amendment is also proposed to section 79B of the Road Traffic Act so that a nominated driver must be informed that he or she has been nominated in a statutory declaration by a registered owner. This already occurs for parking and other offences.

I turn now to the final aspect of the bill: drug equipment to be forfeited. One unrelated amendment is proposed to section 13 of the Expiation of Offences Act to facilitate the forfeiture of drugs, drug growing equipment and drug using implements when a cannabis expiation notice is enforced. Under existing provisions, when simple cannabis offences are expiated, any substances or items lawfully seized by police are automatically forfeited. The amendment proposes that the same items will be forfeited when an expiation notice is not voluntarily paid but is enforced by the court under section 13. I commend the bill to the house, and I seek leave to have the

explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

This Part is formal.

Part 2—Amendment of Expiation of Offences Act 1996

Clause 4: Amendment of section 6—Expiation notices

These amendments adjust the structure of the provision and do not make a substantive change. They are of a statute law revision nature.

Clause 5: Amendment of section 11—Expiation reminder notices

These amendments provide that an expiation reminder notice is not to be given where a statutory declaration sent by the alleged offender has been received by the issuing authority. Instead, the new procedure set out in section 11A is to be followed.

The amendments also require a reminder notice to set out details about the payment of the expiation fee and to be accompanied by a notice by which the alleged offender may elect to be prosecuted and, in relation to relevant motor vehicle offences, a form suitable for use as a statutory declaration. This material is elevated from the regulations to the Act to ensure consistency of approach between expiation notices and expiation reminder notices.

Clause 6: Insertion of section 11A

A new section is inserted to establish a separate process where an issuing authority does not accept a statutory declaration sent by the alleged offender as a defence to the alleged offence.

The issuing authority is required to send the alleged offender an expiation enforcement warning notice informing the alleged offender that the statutory declaration is not accepted, setting out details about how the expiation fee can be paid and accompanied by a notice by which the alleged offender may elect to be prosecuted.

The expiation enforcement warning notice need not be accompanied by a further invitation to send in a statutory declaration.

Clause 7: Amendment of section 13—Enforcement procedures

Currently, if an expiation fee is paid in a case where property has been seized in connection with the alleged offence, the property is forfeited to the Crown if it would have been liable to forfeiture in the event of a conviction.

The amendment provides that this is also the case if an enforcement order is issued in respect of an offence that has not been expiated. The provision contemplates that a court conducting a review of the enforcement order or hearing an appeal against the conviction may make an order to the contrary.

Clause 8: Amendment of section 14—Review of enforcement orders and effect on right of appeal against conviction

This amendment clarifies the expiation period and the prosecution period in a case where, on the review of an enforcement order, a fresh expiation notice is taken to be issued (because of some procedural default in the initial process). In effect, the process starts afresh as if the initial process had not taken place.

Clause 9: Amendment of section 16—Withdrawal of expiation notices

The grounds on which an expiation notice can be withdrawn are reworked. An expiation notice will be able to be withdrawn if:

- the authority is of the opinion that the alleged offender did not commit the offence, or offences, or that the notice should not have been given with respect to the offence or offences; or
- the authority receives a statutory declaration or other document sent to the authority by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
- the notice is defective; or
- the authority decides that the alleged offender should be prosecuted for the offence, or offences.

The amendment requires the notice of withdrawal to specify the reason for withdrawal.

It also sets out the consequences that follow if a notice is withdrawn other than for the purposes of prosecuting the alleged offender. Any enforcement action is to be undone and the authority cannot prosecute the alleged offender for the offence without giving the alleged offender a further opportunity to expiate the offence.

The period within which a fresh notice may be given is extended to 1 year if:

- the notice is withdrawn because it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the authority or failure of the postal system; or
- the notice is withdrawn because of receipt of a statutory declaration. (In that case a fresh notice can be given to the owner of the vehicle or to a person alleged to be a driver within the extended 1 year period.)

Part 3—Amendment of Road Traffic Act 1961

Clause 10: Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This amendment requires an expiation notice or summons given to an alleged driver identified through a statutory declaration of the owner of a vehicle to be accompanied by a notice setting out particulars of the statutory declaration.

Part 4—Amendment of Summary Procedure Act 1921

Clause 11: Amendment of section 52—Limitation on time in which proceedings may be commenced

The amendment sets out how withdrawal of an expiation notice affects the prosecution period for an alleged offence. The withdrawn notice is to be ignored only if it was withdrawn because the issuing authority received a statutory declaration or because it has become apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the authority or failure of the postal system.

Mrs HALL secured the adjournment of the debate.

STATUTE LAW REVISION BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to make minor amendments of a statute law revision nature to various acts and to repeal various acts. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill contains various amendments of a superficial nature to more than 60 acts. The amendment addresses minor structural anomalies in acts. Centred italic or other unstructured headings are deleted or converted to part or division headings. A part heading is inserted before section 1 where such a heading is missing. Provisions that do not clearly form part of a traditional structure are relocated or reworked so as to conform. Where an act is being amended to correct a structural anomaly, descriptive headings are supplied where these are missing and non-standard paragraph numbering is converted to standard numbering.

The opportunity has been taken to remove obsolete provisions from the acts being amended for the above purposes (such as commencement provisions, provisions stating that offences are summary offences and repealing or amending provisions that have come into operation and are not associated with transitional provisions that may still be active).

Care has been taken in preparing this bill not to make any substantive changes to the law contained in the various acts amended. The bill also repeals these acts: the Commonwealth and State Housing Agreement Act 1945, the Commonwealth and State Housing Supplemental Agreement Act 1954, the Homes Act 1941, the Loans for Water Conservation Act 1948 and the Native Industries Encouragement Act 1872 and the White Phosphorous Matches Prohibition Act 1915. These acts are obsolete. The subject matter of the last act is now a matter for the trade standards or dangerous substances area. The other acts all relate to financial agreements that have long ceased to have any practical relevance. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Amendment of Acts specified in Schedule 1

This clause effects the amendments contained in Schedule 1. Subclause (2) is a device for avoiding conflict between the amendments to an Act that may intervene between the passing of this Act and the bringing into operation of the Schedules.

Clause 4: Repeal of Acts specified in Schedule 2

This clause effects the repeals contained in Schedule 2.

Mrs HALL secured the adjournment of the debate.

LEGAL PRACTITIONERS (INSURANCE) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Legal Practitioners Act 1981. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill amends the Legal Practitioners Act 1981 to provide for the suspension of practising certificates held by lawyers who have ceased to carry professional indemnity insurance under the professional indemnity insurance scheme, established under section 52 of the act, where the scheme applies and is in force.

Under section 19 of the Legal Practitioners Act 1981, legal practitioners cannot be issued with a practising certificate unless they can prove that they will be insured for the term of the certificate to the extent required by the Law Society's professional indemnity insurance scheme. This provision ensures that private sector legal practitioners join the insurance scheme, established under section 52 of the act, so as to guarantee protection for South Australian consumers of legal services.

In December 2002, the legal practitioners' registry issued 12 month practising certificates to practitioners. The government recently became aware that, because the Law Society now insures practitioners for a financial year rather than a calendar year, practitioners who receive their renewed practising certificates in December, as members of the Law Society's professional indemnity insurance scheme, were insured only for the six months until 30 June 2003. Therefore, there is presently no requirement under the act for practitioners to enter into the new insurance scheme due to start on 1 July 2003.

I am certain that the great majority of legal practitioners will become a party to the Law Society's insurance scheme, due to commence on 1 July 2003, irrespective of whether they are compelled to do so under the act. It makes both professional and commercial sense for legal practitioners to be insured when providing legal services to the public for which they may be held accountable.

However, it would be a concern even if a small group of legal practitioners did not agree to join the scheme and continued to practise uninsured pursuant to the calendar year certificates issued to them in December last year.

The requirement that practitioners must be insured before they receive a practising certificate is for the protection of South Australian consumers of legal services. This bill will suspend a practising certificate if the practitioner is not insured to the extent required by the Law Society's professional indemnity insurance scheme. Legal practitioners will need to be insured or face a penalty of up to $10 000 for practising without a certificate. I commend the bill to honourable members.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Amendment provisions

These clauses are formal.

Part 2—Amendment of Legal Practitioners Act 1981

Clause 3: Amendment of section 19—Insurance requirements

This clause amends section 19 of the principal act to provide that the practising certificate of a legal practitioner who ceases, during the term of the certificate, to be insured as required by the scheme established under section 52 of the act will be suspended until appropriate insurance is obtained.

Mrs HALL secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) AMENDMENT BILL

The Hon. M.J. WRIGHT (Minister for Industrial Relations) obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986 and to make related amendments to the WorkCover Corporation Act 1994 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. M.J. WRIGHT: 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.

On the 6th of June last year, and on the 24th of March this year, and again on the 12th of May this year, Ministerial statements were made in relation to the WorkCover Corporation. On 13 May 2003 the Statutes Amendment (WorkCover Governance Reform) Bill 2003 was introduced into this house. That Bill is part of the process of fixing the problems left by the former Liberal Government.

At the time of introduction of that Bill I indicated that a second Bill would be introduced as part of the Government's commitment to reducing the extent of workplace injury, disease and death in South Australia. The *Occupational Health, Safety and Welfare (SafeWork SA) Amendment Bill* is the next stage in the Government's commitment to reform in this area.

This Bill has been developed in response to recommendations contained in the Stanley Report into the Workers Compensation and Occupational Health, Safety and Welfare systems in South Australia. It furthers the Government's clear commitment to reforms aimed at improving productivity within workplaces by improving safety, reducing risks, and reducing long term workers compensation costs to business.

The key changes proposed in the Bill are:

Prosecution of Government Departments

The Bill contains specific provisions to make sure that Government Departments can be prosecuted for occupational health and safety offences. This reinforces the message that the Government is serious about improved occupational health and safety performance across all industry sectors: Government Departments are no exception. The Bill will ensure that Government is treated in the same way as all other industry sectors in terms of compliance with health and safety laws.

Non-monetary penalties for breaches

Consistent with contemporary practices being considered or implemented in interstate jurisdictions, the Bill proposes that a new provision for a non-monetary penalty regime be established to provide further options for the Courts when convictions for occupational health and safety breaches occur. The non-monetary penalties contained in the Bill include:

· requiring specified training and education programs to be undertaken;

- requiring the organisation to carry out a specified activity or project to improve occupational health and safety in the State, or in a particular industry or region; or
- requiring that the offence is publicised—this could include a requirement to notify shareholders.

The consolidation of occupational health and safety administration

Currently, responsibilities for the administration of occupational health and safety are split between WorkCover and Workplace Services—part of the Department of Administrative and Information Services. This has lead to duplication and inefficiencies.

Additionally, a key finding of the Stanley Report was that the fragmentation of occupational health and safety administration has led to confusion in the community about which organisation is responsible for occupational health and safety issues.

The Bill proposes to consolidate all occupational health and safety administration into one organisation—to be known as *SafeWork SA.*

Under the Bill, Workplace Services, the Government's existing occupational health and safety agency, will be renamed as *SafeWork SA* and all existing occupational health and safety functions performed by WorkCover will be transferred to *SafeWork SA.* The transitional provisions detail the processes to apply for the transfer of resources to SafeWork SA. Removing occupational health and safety administration from WorkCover will also assist in ensuring that WorkCover focuses on its core responsibilities of the efficient administration of the workers compensation scheme, and ensuring the best possible rehabilitation and return to work outcomes.

The existing Occupational Health, Safety and Welfare Advisory Committee, a tripartite body, will be modified to create the *SafeWork SA* Authority. The functions of the *SafeWork SA Authority* are clearly detailed with a primary requirement for the new body to provide the Government with advice on occupational health and safety policy and strategy.

The SafeWork SA Authority will be the peak advisory body for all OH&S related activities in South Australia. The Bill provides for the appointment of an independent presiding officer and equal representation for employer and employee groups on the Authority.

Reforms to Occupational Health and Safety Training Arrangements

The Bill provides the infrastructure for the establishment of a balanced package of training reforms. This includes:

- providing the capacity for occupational health and safety training for occupational health and safety committee members and deputy Health and Safety Representatives under the regulations; and
- certainty that those workers who undergo prescribed occupational health and safety training will not be out of pocket for the costs incurred while training; and
- a requirement that responsible officers, the people with primary responsibility and control within a workplace, undertake at least a 1/2 day of training about what it means to be a responsible officer.

The Government firmly believes that a wider knowledge and understanding of occupational health and safety in the workplace will make a real difference in improving occupational health and safety performance, and therefore in reducing the costs to industry and the community.

Inappropriate Behaviour at Work

The Bill provides the capacity for the effective use of existing structures to deal with the increasing number of bullying and abuse complaints being received by Workplace Services. The Bill provides that the professional and effective services of the Industrial Relations Commission of South Australia can be used to resolve what are often highly emotive and complicated problems within workplaces.

The provisions do not take away from the opportunity to resolve such matters at the workplace level. Where necessary, inspectors will investigate, consult and encourage a solution, based on the adoption of a systematic approach to the management of health and safety at the workplace. Where this does not result in favourable outcomes, the new provisions enable referral to a low cost, effective service at the Industrial Relations Commission. The Government is keen to evaluate the effectiveness of this process and has proposed a review of the referral process after 12 months of operation.

Variations to Inspectors' Powers

The Bill modernises inspectors' powers to be consistent with other Government investigators. To balance these changes existing provisions protecting parties under investigation from self-incrimination have been updated and strengthened.

Infringement Notices

Consistent with the recommendations of the Stanley Review, the Bill introduces expiation notices for certain offences under the Act. These are for failing to comply with an Improvement Notice or failing to notify compliance with the Notice to the Inspectorate.

Clarification of Employer's Duties

The Bill clarifies the employer's duty to ensure the health and safety of anyone who could be affected by risks arising from work. This clarifies that the employer's duty is an active one that must take into account the potential for harm to anyone who might be in the workplace, from contractors and labour hire employees through to customers, visitors, patients and children.

Record Keeping

The Bill includes a requirement for businesses to keep records of occupational health, safety and welfare training in any flexible format that suits the needs of the business. This will ensure that small business can demonstrate that they have met the training requirements under the legislation, while minimising any impact on operations.

Prohibition Notices

The Bill provides greater clarity about prohibition notices in relation to what is an '*immediate risk*'. This clarification will ensure that the notice can be used in situations where plant is in an unsafe condition (eg. a vehicle with faulty brakes), but is not activated at the time of inspection. In these situations, the *immediate risk* arises when the plant is activated.

Time Limitation to Institute a Prosecution

The Bill contains amendments that will allow the Director of Public Prosecutions to extend the statutory time limit to initiate prosecutions. Examples where this may be appropriate include exposure to a hazardous substance that leads to an occupational disease of long latency, and the design, manufacture or supply of unsafe plant and buildings.

This Bill has been developed through open and extensive consultation. In relation to occupational health and safety, the Stanley review consulted with some 41 individuals and organisations: 68 written submissions were received. In developing the Bill a wide range of further detailed consultative sessions were held, and 36 further written submissions were received and considered.

The Government recognises the important contribution made by all the organisations and individuals that contributed through the consultative process. There was a significant degree of consensus achieved through the consultation process. This is testimony to the capacity in South Australia for all interested stakeholders to work together to achieve better occupational health and safety performance in this State.

The *Occupational Health, Safety and Welfare (SafeWork SA) Amendment Bill* demonstrates the Government's commitment to safer workplaces for all South Australians.

I commend the bill to the House.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment provisions

An amendment under a heading referring to a specified Act amends the Act so specified.

Part 2—Amendment of Occupational Health, Safety and Welfare Act 1986

Clause 4: Amendment of section 4—Interpretation

This clause includes new definitions relevant to the provisions to be inserted into the *Occupational Health, Safety and Welfare Act 1986* by this Act.

Clause 5: Substitution of Part 2

A new authority to be called *SafeWork SA* is to be established. The new authority will have 11 members, 9 being persons appointed by the Governor, 1 being the Director of the Department (*ex officio*), and 1 being the Chief Executive of WorkCover (*ex officio*).

The Authority will have various functions in connection with the operation and administration of the Act, and in relation to occupational health, safety and welfare. The Authority will provide reports to the Minister. It will use public sector staff and facilities.

Clause 6: Amendment of section 19—Duties of employers

This clause makes it clear that employers must keep information and records relating to relevant occupational health, safety or welfare training.

Clause 7: Amendment of section 21—Duties of workers

This is a consequential amendment.

Clause 8: Amendment of section 22—Duties of employers and self-employed persons

This amendment revises and clarifies the duty of care of employers and self-employed persons under section 22(2) of the Act.

Clause 9: Amendment of section 27—Health and safety representatives may represent groups

Clause 10: Amendment of section 28—Election of health and safety representatives

These are consequential amendments.

Clause 11: Insertion of Part 4 Division 2A

This clause relates to the training of people involved in occupational health, safety and welfare in the workplace. The training scheme under the Act will now apply to health and safety representatives, deputy health and safety representatives, and members of committees. Provision is made with respect to remuneration and expenses associated with undertaking training. A person intending to take time off work to participate in a course must take reasonable steps to consult with his or her employer. Any dispute about an entitlement under the new Division may be referred to the Industrial Commission for resolution.

Clause 12: Amendment of section 32—Functions of health and safety representatives

This is a consequential amendment.

Clause 13: Amendment of section 34—Responsibilities of employers

This clause relates to the entitlement of a health and safety representative to take time off work to fulfil his or her functions under the Act.

Clause 14: Insertion of section 37A

This amendment is intended to make it clear that the taking of action under Part 4 Division 4 of the Act does not in any way limit the ability of any person to refer an occupational health, safety or welfare matter to an inspector or other relevant person.

Clause 15: Amendment of section 38—Powers of entry and inspection

This clause relates to the powers of inspectors. It will enable an inspector to be able to obtain information about the identity of a person who is suspected on reasonable grounds to have committed, or to be about to commit, an offence. An inspector will also be able to require a person to attend for an interview, and to produce material, in specified circumstances.

Clause 16: Amendment of section 39—Improvement notices

An amendment under this clause will provide for an improvement notice to incorporate a *statement of compliance*, which is to be returned to the Department when the requirements under the notice have been satisfied. Failure to comply with the requirements of an improvement notice will now be an expiable offence.

Clause 17: Amendment of section 40—Prohibition notices

These amendments relate to prohibition notices. Currently, a notice may be issued with respect to a situation that creates an immediate risk to a person at work, or on account of any plant under Schedule 2. It is proposed that a notice will also be able to be issued if there is a risk to the health or safety of *any* person, or if there could be an immediate risk if particular action were to be taken or a particular situation were to occur. A prohibition notice will now be able to require that a particular assessment of risk occur.

Clause 18: Amendment of section 51—Immunity of inspectors and officers

Clause 19: Amendment of section 53—Delegation

Clause 20: Amendment of section 54—Power to require information

Clause 21: Insertion of section 54A

Clause 22: Amendment of section 55—Confidentiality

These are consequential amendments.

Clause 23: Insert of section 55A

This clause will establish a scheme that will enable certain types of complaints about bullying or abuse at work to be referred by an inspector to the Industrial Commission for conciliation or mediation.

Clause 24: Amendment of section 58—Offences

These amendments relate to offences under the Act. A scheme is to be established to allow proceedings to be brought against administrative units in the Public Service of the State. Another amendment will allow the Director of Public Prosecutions to extend a time limit that would otherwise apply under section 58(6) of the Act.

Clause 25: Insertion of section 60A

This amendment will insert into the Act a provision for a court, on the conviction of a person for an offence against the Act, to make various orders of a non-pecuniary nature. Under this provision, the court may—

(a) order the convicted person to undertake, or to arrange for one or more employees to undertake, a course of training or education of a kind specified by the court;

(b) order the convicted person to carry out a specified activity or project for the general improvement of occupational health, safety and welfare in the State, or in a sector of activity within the State;

(c) order the convicted person to take specified action to publicise the offence, its consequences, any penalty imposed, and any other related matter;

(d) order the convicted person to take specified action to notify specified persons or classes of persons of the offence, its consequences, any penalty imposed, and any other related matter (including, for example, the publication in an annual report or any other notice to shareholders of a company or the notification of persons aggrieved or affected by the convicted persons's conduct).

Clause 26: Amendment of section 61—Offences by bodies corporate

Responsible officers under section 61 of the Act will be required to attend a course of training recognised or approved by the Authority.

Clause 27: Amendment of section 62—Health and safety in the public sector

This clause is part of the scheme to allow proceedings to be brought against administrative units.

Clause 28: Amendment of section 63—Codes of practice

Clause 29: Repeal of section 65

Clause 30: Amendment of section 67—Exemption from Act

Clause 31: Amendment of section 67A—Registration of employers

These are consequential amendments.

Clause 32: Insertion of sections 67B and 67C

A specified percentage of levies paid to WorkCover under Part 5 of the *Workers Rehabilitation and Compensation Act 1986* is to be paid to the Department, to be applied towards the costs associated with the administration of this Act. The percentage will be specified by the Minister by notice in the *Gazette*.

Another provision to be inserted into the Act will require the Minister to undertake or initiate a review of the Act on a 5-yearly basis.

Clause 33: Amendment of section 68—Consultation on regulations

Clause 34: Amendment of section 69—Regulations

These are consequential amendments.

Clause 35: Substitution of Schedule 3

The scheme establishing the *Mining and Quarrying Occupational Health and Safety Committee*, presently contained in the *Workers Rehabilitation and Compensation Act 1986*, is to continue under the *Occupational Health, Safety and Welfare Act 1986*.

Schedule 1—Related amendments and transitional provisions

This schedule sets out various related amendments of the *WorkCover Corporation Act 1994* and the *Workers Rehabilitation and Compensation Act 1986*. The schedule also makes specific transitional arrangements to facilitate the transfer of certain staff currently employed in WorkCover, to deal with relevant property, and to ensure the continuation of the current membership of the Mining and Quarrying Occupational Health and Safety Committee. Another provision will require the Minister to undertake a review of new section 55A of the principal Act after 12 months. Another provision will require all current responsible officers to participate in a course of training within 3 years after the commencement of this measure, unless the particular officer has already participated in a course of training recognised by the Authority.

Schedule 2—Statute law revision amendment of the Occupational Health, Safety and Welfare Act 1986

This schedule makes various statute law revision amendments.

Mrs HALL secured the adjournment of the debate.

STATUTES AMENDMENT (WATER CONSERVATION PRACTICES) BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 3112.)

Mr BRINDAL (Unley): There have not been too many times in the last 13 years that I have come into this house and wondered if I was equal to a task, but it has happened twice in the last few months. On both of those occasions, it was in connection with the responsibility I bear as a member of the opposition and the minister at the table bears as the government minister responsible for the River Murray.

I think that by now every South Australian would realise that in the next few decades there will probably not be a more important issue to confront South Australia. Indeed, the other place is debating—and, hopefully, will soon finish the debate on—the River Murray Bill, which recently passed through this house. It is indeed an historic piece of legislation and follows the work of the select committee in the last parliament.

Tonight, we are being asked to consider the Statutes Amendment (Water Conservation Practices) Bill, and I will put the opposition's point of view by making a number of observations. Because of an unusual situation (which I believe the minister referred to in his second reading explanation) we are, because of a series of manipulations and politicking early on in this state, the only state that receives an entitlement flow of 20 per cent from the river system, and it is probably the best 20 per cent, because it is the last 20 per cent. This entitlement was awarded to this state when Sir Thomas Playford threatened High Court action against the then Prime Minister, Sir Robert Menzies, because of the planned construction of the Snowy Mountains Scheme. There was a famous incident when Sir Thomas was remonstrating with Sir Robert and the other premiers, and Sir Robert said, 'If I understand you, Mr Playford, what you're arguing is that, although there will be more water in the river, South Australia may indeed get less.'

Apparently, it was at that point that the penny dropped for Sir Robert Menzies, and Sir Thomas said, 'Exactly so.' Sir Robert then said famously, 'I'd like all the bureaucrats to leave the room.' Something then happened that does not happen very often nowadays in ministerial councils: the ministers sat down and discussed the politics of the situation from the point of view of their states. As a result, South Australia received a 20 per cent increase in its water allocation.

I think that may not have been the last time. The member for Morialta has a family recollection, but I recall yesterday reading an *Advertiser* article (which I hope the minister has read) by the Hon. R. Steele Hall. He also got some additional water through the commonwealth because of the agreement that needed to be ratified on the construction of the Dartmouth Dam. I know that I do not have to persuade the minister of this, but Steele Hall makes a very convincing argument for the states all continuing to have—

The Hon. J.D. Hill: I agree with him absolutely.

Mr BRINDAL: And so does the opposition to a person. Unfortunately, we cannot always control our federal colleagues or their errant thoughts. Much as I have at times admired the eclectic mind of the member for Sturt, I do not think that he speaks for the federal cabinet, the federal political party, or the federal parliament; I hope that, on this matter, he never does in my lifetime.

Steele Hall makes the point very clearly that the power of veto in the hands of each state and the commonwealth is perhaps the most powerful and persuasive weapon we all have to ensure the best health of the system across the nation.

We have that water entitlement—the only state to do so. However, a trigger mechanism says that South Australia retains the water entitlement as long as there is water. What happens if there ceases to be the water? Unfortunately, next year (and almost this year) we face a situation where the water is simply not within the system to give South Australia its entitlement flow that it has by law.

The answer was worked out that, in the case where South Australia cannot receive its entitlement flow, we receive a higher percentage of the division of the waters of the river. We get one-third. Normally we get much less than that, but South Australia receives one-third, New South Wales receives one-third and Victoria receives one- third. However, that normally occurs when there is much less water in the river, so our third of the whole is much less than we normally receive as an entitlement flow. That situation is perhaps not inevitable. However, there is a great degree of probability, as the minister explained to the house yesterday, that that will happen next year.

This year, for the first time, when we received entitlement flow and other states were on restrictions (New South Wales had been on restrictions for two years and Victoria for between 18 months and two years), we saw what can and does happen to the state on entitlement flow. The commission was delivering water of a beautiful quality to the state of South Australia at Morgan. This came directly from Dartmouth to Morgan via electroconductivity units of consistently about 300 to 400 units.

However, by the time that water reached the lower lakes, because of draw-down and evaporation and the lack of flow over the barrages, the salinity levels in much of the lower lakes reached about 3 000 in the summer season and rose progressively in the lower reaches of the river to the point where at one stage it looked as though Adelaide's last metropolitan out-take, not far up from Murray Bridge, would have a salinity level of about 1 000 for a couple of weeks. It did not quite reach that point but it came perilously close, and that was in a year (this year) when we received our entitlement flow. The minister probably has many 'what if' scenarios, but next year, if I remember his comments correctly, there is an 80 per cent probability—

The Hon. J.D. Hill: It was 60 per cent probability of getting entitlement flow.

Mr BRINDAL: It was 60 per cent probability of receiving entitlement flow. How much probability of getting—

The Hon. J.D. Hill: It was a 70 per cent probability of doing better than the 80 per cent that we have set it at.

Mr BRINDAL: Obviously, this is a problem for South Australia, given what happened this year on entitlement flow, and this prompts the minister to introduce this bill. The opposition is prepared to deal with this bill. We are worried that it comes in so quickly, but we understand the reason for that.

Ms Breuer interjecting:

Mr BRINDAL: The member for Giles says, 'Don't drag it out.' As the principal city in her electorate is 100 per cent dependent on what we will do in this place tonight, I suggest that, rather than say to the opposition, 'Don't drag it out,' the member sits herself down on the bench and makes sure that neither I nor any of my colleagues or any of the ministers in this place get away with something that sells the electorate of Giles short. The people at Whyalla are the ones who will be thirsty next year, not the people at Kings Park or Unley, because we have some reservoirs to back us up. It is the member for Giles—

Mr Goldsworthy: Or Cheltenham!

Mr BRINDAL: Yes; Cheltenham is probably building a wetlands as we speak, I suspect, under that racecourse. Virtually as an emergency, the minister introduces measures that he requires for next year, and the opposition acknowledges that the house must pass them tonight, because the irrigation year starts on 1 July. Quite frankly, if this house does not pass this bill tonight, if the minister does not promulgate some regulations, irrigators will be starting the irrigation season with a degree of uncertainty, and that is not fair to them, to the government or the resource.

So, the opposition is prepared to consider this bill seriously—as are the Nationals and the Independents—and to work with the government to pass this measure tonight. However, the opposition is a conservative, liberal opposition and is reasonably cautious. Whilst the minister argues that these are good and sufficient measures which should have been included in the bill previously and are for the ongoing good governance of the river and are measures which any minister should have as part of their armoury henceforward, the opposition is minded to believe that we should pass these regulation making powers in a form that they regularly lapse on an annual basis so that the minister has to repromulgate the regulations each year.

I, and I think some of my colleagues, accept that, had this measure been introduced in a more mature time frame after more consultation, we might well have been prepared to make it a permanent regulating power, such as a minister normally possesses. However, in this case we would argue that, because we believe that it is an emergency power, the 12-month period is good and sufficient. If then the minister wants to adjust this power subsequently and come back here to argue, 'Look, these should be permanent powers, they should be permanent regulations,' we will argue that, we will consider that and consider it very favourably, especially if it is working. But we would expect the minister to consult with the community and say, 'Look, is this a reasonable thing?' We are asking this house to consider limiting the minister's power to 12-month blocs until such time as this house can establish to its own satisfaction—and we can establish with the irrigation communities—the interest communities of South Australia—

The Hon. M.J. Atkinson: Why do you say 'this house' as if there is another? Why don't you say 'the house'? You have said it for 13 years.

The ACTING SPEAKER (Mr Caica): Order! If the honourable member has said it for 13 years, obviously, he has not learnt, so I ask the Attorney to stop interjecting, please. The member for Unley.

Members interjecting:

The ACTING SPEAKER: Do not be distracted, member for Unley.

Mr BRINDAL: I do apologise to the pedantic Attorney, who is reminding me that there is one house but two chambers. It is like one heart with two chambers. I do make the mistake sometimes of considering us actually as separate houses, but I know how close he is to the purple. I know how much he wants to be a member of the landed gentry, so he does not like to make the distinction that I make. I tend to think of their lordships and ladyships as slightly removed from it.

The ACTING SPEAKER: Order! Members will get back on track.

Mr BRINDAL: Yes; what a cruel and heartless Acting Speaker!

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: That was an interesting little interjection. He may well have been libating at dinner.

The Hon. M.J. Atkinson: Miss Mace's class, Glenelg Primary School.

Mr BRINDAL: And you know that teacher has never recovered. She has been in an asylum ever since!

The Hon. M.J. Atkinson: I didn't win the election, either.

Mr BRINDAL: And no wonder, and we have suffered for it. The honourable member could not win that election so he decided to get elected to parliament, and people were silly enough to vote for him. I can't see it. Sir, I am sorry for being distracted. The opposition is therefore minded to take a conservative approach to this and say, 'Look, if the minister needs emergency powers then we should deal with them as emergency powers.' If there is an argument—and I believe that the minister could make a good argument—that they are the sorts of ongoing powers he needs in the act, he should come back here and we should consider them as ongoing powers and not be asked to say, 'Look, this is an ongoing power but we need to rush it through because irrigators need to have certainty in two weeks.'

It is, in effect, a gun to our head, although we are not blaming the minister. The gun is not of the minister's making, but we say that the parliament has a right to consider things properly and in a decent time frame with consultation; and, simply, the time necessary because of what we need to do tonight does not allow that. Similarly, the minister does a number of things, which the opposition accepts. We accept that section 16 of the act exists. It always amuses me that those wiser than either the minister or I write the act, they bring the act in and tell us, 'This is the act we need to pass,' and then when we need to use a section of the act they say, 'Whoops, we wrote the act that you needed to pass but now we need to change it because it is not quite worded like we think we should have worded it. It will not quite work in law so we will change it, anyhow.'

The minister is bringing in what effectively is a new section 16 which has the same effect as the old section 16 but which is slightly differently worded as to be more elegant or more legally enforceable than the old section 16. So, they have rethought it—and I hope it was not the same counsel who wrote the first one as wrote the second one.

An honourable member interjecting:

Mr BRINDAL: That is very good, because I have a great respect for the one who is now writing. I do not know that I would have so much respect for the one whose work needs altering. That is new section 16 and, as an opposition, we support that, although I believe that the member for MacKillop or other members may well question slight variations in the wording, because they have raised with me some questions which I have basically asked them to ask the minister. The opposition will listen very carefully to the minister's answers, as I am sure the Green's member and the National Party member will.

Section 17A is a new section which, as the minister explains it to me (and in the briefing the opposition has had), gives to the minister an additional power, and it is a power of water conservation separate to the section 16 power. Members of the house should understand that the section 16 power gives him the power to restrict the taking of water from a bore, from a water course, or from an aquifer where that resource is limited. But it is a power over the taking of the water: it is not a power over the usage of the water. And, in every other jurisdiction, if I understand the ministers

correctly, there are two powers,: the first of which is a power to limit the taking of the water if the resource itself is in peril.

The other is, 'Well, yes, you can take the water,' but there is then an encumbrance on you to use the water wisely and well. Just because you can take it does not mean that you can waste it, especially in a time when that water might be precious. The ability, say, for the member for Colton to water his orchids at a time when another member may have a water licence and not be able to water carrots, turnips or something that produces food is the sort of thing we are talking about. Obviously, members on this side of the house would understand. All members would understand.

On this side of the house it is particularly passionately debated because it touches on things that some of our members, such as the member for MacKillop, eternally talk about, such as the right to farm or the right of a government, in other terms, to socially engineer. Is it our right, having given someone a tradeable water right, that is apparently a freehold right, to then say, 'But you can use this right and it is limited by A, B, C and D'? The minister's answer which the opposition does not reject will, I am sure, be questioned by people such as the member for MacKillop, and probably the member for Morphett when he is not distracted by tail docking and other sundry things about which he has fetishes.

The Hon. J.W. Weatherill: Magic Mountain.

Mr BRINDAL: Magic mountains, and things like that. Trams. What we want to hear, what we want to question and what we want to analyse is what the minister says (which is reasonable), that is, that this is akin to a planning power provision in that any of us in this chamber can hold freehold land, but our ability to use the freehold land is not unlimited. Just because I have a place in Kings Park I cannot build a tannery, a junkyard or something else. There is a limit to what I can do, and the limit is imposed by the state in the name of the state and for the good of the commonwealth.

As an opposition, we are interested in listening to the minister develop an argument as to why this house should give him a power to limit someone's right, how to limit that right and how that better helps the commonwealth. If the minister can explain that adequately and well, I would suspect that the member for MacKillop and others will be much more relaxed than they are now. I am generally considered an old leftie in our party, and I am generally more comfortable with the concept, but I am a servant of my party and must bow to the will of others more conservative than I. I tell the minister that he had better develop a good argument.

Some other matters which we will question are small ones but, I think, reasonable. The penalties seem to be adequate, although I would argue that most water penalties are in fact too low for the return that people can get on the water. I know that in the Water Resources Act—and this is possibly part of the answer—confiscation of profits is allowable. I know enough about rural returns to work out that if you have a major crop such as a grape crop (and this applies to many crops now), to steal water when the fine is $10 000 if you are a body corporate or $5 000 if you are a natural person is not even worth considering. If the penalty for getting caught is $5 000 and the likely difference in the price and quality of your crop could be tens of thousands of dollars, as the member for MacKillop would confirm, you are not really going to stop for more than one second before taking the water.

So, I think the adequacy of penalties is an ongoing issue in the Water Resources Act, as is the fact—and I would like the minister to explain this in the committee stage—of the expiation notice. When the maximum penalty is $5 000 for a natural person and $10 000 for a body corporate but it is an expiable offence at $315 (which is exactly what I pay, I think, if I drive more than 20 km/h over the speed limit), it is not an adequate penalty for the offence that we are proposing.

Those are the opposition's questions about these amendments. However, before I sit and listen to my colleagues on both sides of the house contribute to this debate, it is necessary to clearly state this: this is enabling legislation. Mr Speaker, you would probably understand this better than anyone in the house: we are being asked to do, in fact, very little and a great deal all at the same time, because what the minister does by this legislation is not much more than build a dressing room. He constructs the shell, but what is inside that shell will affect the lives of many electors in Hammond, many electors in Chaffey and many South Australians. Unfortunately, and there is no way around this, the house cannot do all that. The house is not equipped to do all that and we do not have the time frame at present to do all that, nor do I think many of us would argue that it is advisable to come in here with a complete suite of legislation setting out the whys and wherefors and dotting the i's and crossing the t's about every regulation that you might want to pass in regard to water.

So, the government comes here with a bill that is really innocuous and does not really say a lot yet is of fundamental importance because it sets the boundaries within which some hugely important decisions can be made. That is why I want to commend the minister, because I think what he has done is important. None of these powers—except a power which we will question and seek to amend, which is his power to issue a notice—is used other than by his capacity to regulate. These powers must be exercised through his capacity to regulate, and therefore are subject to the scrutiny of the parliament and disallowance by the parliament.

The minister does, however, in clause 17A(3), seek a power in an emergency and by notice in the *Gazette* to take certain actions. Legal advisers have told me that to be given the power in the *Gazette* to exercise a notice puts it beyond the scrutiny and purview of parliament and therefore is something that the minister can do almost absolutely. So, the opposition will argue that that power should be removed and should also be made a regulating power, because in the modern world and in modern politics the minister can issue a regulation today which can be put into effect tomorrow, and that is absolutely adequate for any emergency.

The Hon. J.D. Hill: We'll accept that, Mark.

Mr BRINDAL: The minister says, graciously, that he will accept that, for which we are most grateful. I started by saying, sir, before you came in that there are not many things that have made me feel inadequate in my 13 years here, and even some things that you and I have disagreed on such as prostitution do not make me feel inadequate. But dealing with bills on the River Murray do, because we bear a heavy and huge responsibility. I am not commenting negatively on members, but I sometimes wonder whether everybody in this parliament realises just how much responsibility we bear in these matters of natural resources which we are trying to work our way through slowly and to do better on. We have a history of people trying for 100 years, and I think they have made their very best efforts, but we are now finding that some of those best efforts over the last 100 years did not do what was intended. People did things with the best intentions in the world but sometimes they have not had the best consequences, and we are left to try to do better.That is not

to say they were wrong, but we have to try to work out what was wrong and what happened.

I am not talking about irrigators and I am not talking about any class of people in particular: I am talking about everybody. For example, the engineers who put the barrages in certain places thought it was a good idea at the time but it caused evaporation in the lower lakes about which you have spoken, Mr Speaker. I am talking about a regime that was more for the navigation of ships rather than for the beneficial use of the waters. There are many aspects of what is a complex problem.

While I feel a big responsibility in this and while I am sure the house shares the responsibility, the biggest responsibility will be on the minister's shoulders, because he takes unto himself in this legislation a significant power over the livelihood and lives of many people in South Australia this summer. Not only will he have the power to impose water restrictions which will affect the lifestyles of ordinary people in Adelaide, such as everyone in this chamber and their families, but these powers will also affect people in the Riverland in the member for Chaffey's electorate; in the member for Hammond's electorate; in the member for Giles's electorate; and in other parts of the state. The minister takes a heavy responsibility because he will be able to promulgate regulations which severely affect the livelihoods and lifestyles of people who depend on this water and whose future, in many ways, rests on the good use of this water.

I am confident that this house will pass this bill and give the minister this power and, because he is the minister (and I know this because I have also sat where he is sitting), most of that power will be delegated to loyal and efficient people who will do their best. But I remind the minister that they can do their best but it is all on his shoulders; it is his responsibility. So, no matter how good his public servants try to be, this house and history will judge him and not the public servants who make the regulations. What we do tonight is for all people. The heaviest responsibility lies on the minister, and I wish him well in it. I assure him that everyone on this side of the house, and I hope everyone on his side of the house, will be watching him, because South Australia and the nation cannot afford for him to make a mistake and, if we are watching him, it is out of an abundance of caution. It is because everybody should actually care and we do not want him to make a mistake, and we will be vigilant to the point that, if he even looks like stubbing his toe, we will all tell him loud and long through whatever measure is available. So, I suggest to the minister that when it comes to the regulating powers he realises that it is his career, it is his responsibility—

The Hon. J.D. Hill: You are over-playing this point just a wee bit, aren't you?

Mr BRINDAL: —no—and it is all on his shoulders.

The Hon. J.D. Hill: We have a collective responsibility system.

Mr BRINDAL: No. The minister says that we have a collective responsibility. In this house the minister is responsible, and there are 47 members of parliament in this chamber and, later, the members in another chamber whom he is asking to give him this responsibility. I am saying on behalf of the opposition that we are not giving it to the collective that is executive government. He is the minister, he is asking, and we are giving it to him. As minister Ingerson no longer was a minister after he did something wrong, the minister sitting here will not be a minister if he mucks this up. Collective responsibility—

The Hon. J.W. Weatherill: Does he get the glory if he gets it right?

Mr BRINDAL: Yes. If he gets it right, I will say, and I am sure my colleagues will do so as well, 'We might not like all members of the Labor government, but there is a good minister for conservation who steered us through a rough time when there was a water shortage.' But if he mucks it up he will get the blame as well. That is the first rule in this place and it is the most important rule.

With those words, I commend the bill to the house. I really do wish the minister well with this. He said many times before that this is an issue on which South Australia cannot afford to play politics. It is. We are not seeking to play politics on this. We are seeking to help. We are seeking to make it better. Before I conclude, I say to the minister: if he wants any help from the opposition, he will get it, because we know exactly what he should be doing. He only has to ask us and we will tell him. If he does not ask us we will probably tell him anyhow, and we wish him well in his endeavours.

I commend the bill to the house and look forward to listening to the comments of members on both sides of the chamber, because I know many people are passionate about this and have their own unique contributions to make.

Mr HANNA (Mitchell): I speak briefly in support of this bill. I am a member of the Greens Party, and one of the key planks of the Greens' policies is environmental sustainability. This measure is strongly endorsed by me. The essential principle underpinning the bill is that the government should be able to enforce conservation of water. The Governor—and that in a sense means the government—already has power to make regulations for preventing the waste or misuse of water, and it is quite clear why that would already be in the Waterworks Act.

This bill goes a step further because it enables the government to take measures to simply prevent the use of water, in other words, to allow the conservation of water. In the minister's second reading explanation, he has very clearly and succinctly set out why that power is necessary. It is because water is such a rare commodity in South Australia, and becoming increasingly so. If we do not start to succeed with the problems presented to us by the deteriorating health of the River Murray, Adelaide will be more like Alice Springs in 50 years' time, perhaps sooner. The statistics are well known: in a dry summer, Adelaide might get 90 per cent of its water supply from the River Murray and about 40 per cent of our water supply from the River Murray at other times. There is no doubt that the water from that river is essential to the economy and the community of South Australia.

I have one reservation, and that concerns the manner in which the government, through the minister, can enforce the measures that might be desirable to conserve water at a particular time. The member for Unley has pointed out that the minister, under this bill, has fairly extraordinary powers to be able to introduce measures for water conservation without having to have those measures scrutinised by the parliament or a committee of the parliament. I am informed by the minister that he is prepared to take an approach that allows the relevant water conservation measures to be brought in by regulation, and that is a much better way of going about things.

It will be contentious at times, whether it be for irrigators or residential communities, when water restrictions are put in place. It is particularly important that the views of the

community can be taken into account through our parliamentary procedures. In particular, it may be through the Legislative Review Committee or some other appropriate committee.

In summary, I am strongly in favour of the bill. I look forward to appropriate amendments being passed in committee to ensure that unnecessarily broad power is not given to the minister. I add finally that, for some time, I have been thinking about the need for water restrictions, and I am reminded of it every time I drive through my suburban electorate in the summer and see sprinklers in use in the middle of the day. That shocking waste of water is, to me, a symbol of the need for legislation such as this. It is essential for the future health of South Australia, for the economy and our community as a whole.

Mrs MAYWALD (Chaffey): The electorate of Chaffey, of course, is highly dependent upon water from the River Murray. Of the 55 000 hectares of irrigated horticulture in this state, 37 000 hectares is above Lock 1 or in my electorate. The recent announcement to restrict the water take from the river by a factor of 20 per cent has created all sorts of turmoil within my electorate. Whilst the general populace understands and believes that it is necessary given the drought climate, there is a genuine concern that not enough effort was put into working towards this restriction several months ago, if not up to 12 months ago.

We have known that the Murray-Darling Basin has been in drought for some time. We have known that restrictions would be necessary for some time, yet we let the community flounder, wondering what might happen. We have had an announcement of 20 per cent, but the community does not know what it means to them. We now have a very short period to work through the issues, consult with the community and try to find out what is the fairest and most equitable way to apply this 20 per cent reduction.

I am gravely concerned that this consultation was not undertaken at least six months ago. We could have been talking to our communities, undertaking studies, collating the data necessary to be able to introduce the imposition of a restriction and say, 'If it is going to 10, 20 or 30 per cent, this is what it is going to mean to the community.' We would have avoided the considerable panic that we have seen in the last week and we would have given a greater sense of certainty to the community to know how they were going to make their business decisions based on the figure that came out. We could have had an announcement that 20 per cent restrictions were to apply, and everyone, whilst not happy about it, would at least have known what it meant.

However, because we have not had that luxury, the Riverland community in its usual way has rallied, and we have gathered together a group of experts in their field. We have established a Riverland private irrigators task force to work with government to assess the options and to look at what the impacts of those options might be on the ground. A 20 per cent cut in production and a 20 per cent cut off usage from a previous year's allocation would have significant impacts on our economy. A 20 per cent cut in production could be of the order of $140 million just at the farm gate.

It is imperative that we apply these restrictions fairly across the community, that we look at ensuring that we do not lose crops, and that we do not lose plantings, as a consequence of the business decisions of individuals on how they purchased their water over the years. Efficient irrigators should not in any way be penalised through this restriction process. A flat 20 per cent reduction in usage based on a previous year would have significantly negative impacts upon efficient irrigation use.

To give a couple of examples, if an irrigator over the past five years has taken the business decision to redevelop their property, to invest significant sums of money in the latest technology and irrigation practices, has updated their plantings to the plantings that will be most productive, given the market indicators, and has a roll-out over a five-year period to bulldoze and replant, their highest use in that four years might be a minimal amount and most of their plantings may be coming on board this year and require far more water than they have in the past four years. To say to them that they cannot water their plantings now and jeopardise their investment would be an absolute travesty, considering they have invested so heavily in doing the right thing.

We also have a situation where there is a lot of corporate development in the region and, whilst there is a general feeling amongst the farm or family block operators, it is their business decision to take a high risk approach to things. However, the corporate entities that are developing some of the larger plantations in the Riverland certainly contribute to the economy in a substantial way through not only their turnover but also their employment and the processing they undertake in the Riverland and surrounding districts. Those people have taken business decisions to purchase water as their development progresses and use lease water to develop their properties. To penalise them and say that they can only take a certain amount of water based on their own permanent allocation would also be a travesty.

The Riverland private irrigators task force is made up of 10 irrigators from different land and water management areas from around the region. They have also secured the support of the Riverland Grape Industry Development Council, which is providing technical support through its vititech group—a group of significant growers and industry members involved in developing and implementing irrigation technology. This group is a research and development group and will assist the Riverland private irrigators group to assess the data and analyse the option of crop survey and how it may be applied to the restrictions to achieve the target required.

Any other way to go about these restrictions would be unconscionable and certainly penalise those who are doing the right thing. There will be a significant amount of pain in this process. However, a lot of people have moved towards a better practice of irrigation. The Riverland is full of movers and shakers and people who are prepared to embrace change. The water allocation plan requires all irrigators to meet an 85 per cent efficiency target by 2005. I see this process as an opportunity to advance that target date through the crop survey process and to enable growers to look towards being able to achieve the targets under the WAP, as well as the restrictions required under the current drought climate.

The Riverland community is not an aggressive, angry community. When faced with a crisis, the Riverland community will rally and endeavour to find its own solutions. In this instance we are not sitting back and waiting for the government to tell us what to do. The Riverland community has embraced the fact that 20 per cent restrictions are required, have embraced the concept that if they had to sit back and wait for the government to decide how it was to be applied they might not like it, and they have determined that it is best for them to be part of the process.

It is envisaged that the task force will be supported by a range of advisory groups drawn from industry, technical,

grower and environmental organisations. Government has come on board and is certainly partnering this group of organisations to assist them with the access to data they require to make assessment and analysis of different options and scenarios. We certainly have the support of the minister for this group, which I appreciate.

I was concerned last week when the restrictions were first announced that the department was seeking advice mainly through the Riverland irrigation trusts, which are certainly a very organised and professional business group that run very efficient businesses and supply water to a great percentage of irrigators in the Riverland. The Central Irrigation Trust alone supplies water to about 1 800 irrigators and the Renmark Irrigation Trust to about 700 irrigators. RIT has licence No.1 historically and has one head licence. It will be in the fortunate position of being able to make decisions across 700 growers to ensure that the reduction in their allocation at their head licence can be borne fairly across irrigators. The Central Irrigation Trust is in the same position, as is the Sunland Irrigation Trust, to a certain extent. The great gap was with the private irrigators and within a 24-hour period this group was pulled together. We have a very professional bunch of people and I am sure they will work through this problem to find effective solutions and move forward positively to ensure that our valuable resource of the River Murray can be sustained.

In the past 10 years we have seen a seachange in the culture of irrigators in the region. In fact in the past 10 years we have seen about 80 per cent of plantings in the Riverland turn over. The increase in efficiency has been enormous. The community's willingness to embrace change has been incredibly rewarding for me. I have enjoyed working with the community, which is vibrant and is geared towards a better future for the Riverland. There is no reason why sustainable agriculture and horticulture cannot reside beside sustainable environments. They are one and the same and are not mutually exclusive. We have the wherewithal within our community, if only government and government departments would recognise the extensive wealth of information and knowledge we have out in those communities and endeavour to work more in a partnership relationship with those communities.

With regard to the bill before the house, I understand that the minister is bringing in these measures to provide him with sufficient powers to be able to enforce matters of water use efficiency and conservation and to ensure that we in South Australia not only are, but are seen to be, efficient users of water. We have received enormous criticism in the past for not introducing restrictions sooner. We should have introduced restrictions in some way, shape or form last year. Our upstream users in New South Wales have faced significant restrictions for the past two years and in Victoria for 18 months. In certain areas they see water rushing past in their river channels going down to South Australia, while we are not restricting our water usage at all, and it sends a very bad message upstream.

The River Murray and Murray-Darling system and future sustainability of that system is of prime importance to this region and we need to work through the Murray-Darling Basin Ministerial Council with strong leadership from the federal government to ensure that that resource is sustained for future generations. There is enormous wealth generated from that region, upon which communities are heavily dependent. Communities that live on the seaboard in our cities need to be aware of the consequences of arbitrary legislation, which can have significant impacts on communities and, in some instances, if we were to go down the path of some conservation groups and claw back significant amounts of water without any compensation we would be shutting down communities because we would be taking out the wealth factor from those communities.

There has been a lot of misinformation out in the communities regarding the intent and endeavours of upstream users. We need to be far more involved in understanding what our neighbours are going through, what the communities of New South Wales and Victoria are facing and the problems they have to deal with to make the system sustainable.

In South Australia, we are certainly fortunate that our forefathers in this place made some very sound business decisions to ensure that we have a secure water supply into this state, except in times of severe drought, as is the case now. That has ensured that we in this state have enjoyed the luxury of 100 per cent secure water, and have been able to grow and prosper our regions accordingly. That gives our growers and our districts and communities far greater security into the future.

However, we must, in my view, ensure that South Australia continues to have a very strong voice around the table. There are often calls that we should give the entire Murray-Darling Basin management to one government, such as the federal government. I strongly oppose that notion. I believe that, in doing so, we would do a grave disservice to South Australia. There are 150-odd members in the House of Representatives in Canberra, 12 of whom are currently from South Australia. At the next election that number will be reduced to 11, and 11 out of 150 certainly would not have much say, particularly considering the wealth of New South Wales and the number of MPs who come from New South Wales.

Having a voice around the Murray-Darling Basin Commission means that we have an equal voice, an equal vote and an equal power of veto around the table with New South Wales. We do, however, have to concentrate our effort on ensuring that the federal government continues and strengthens its leadership in that ministerial council. This is a national issue, and it needs to be considered by the federal government as a national issue, the costs of which should be borne by the entire nation. It should be considered to be a nation building exercise, and I believe strongly in a levy that would ensure that all South Australians contribute to the sustainability of our natural resources.

I have a few concerns about some of the wording of this legislation. Of course, it has been brought in very hastily and, with haste, often the devil is in the detail. I will explore those issues during the committee stage of the bill. I understand that it is necessary to introduce measures to ensure that water conservation and water use efficiency become a part of our vocabulary in our every day life, and that the days of excess are gone and that each and every one of us has a responsibility to ensure that we use and consider water for the valuable commodity that it is and not take it for granted.

Mr WILLIAMS (MacKillop): I rise tonight to support the tenor of this bill. I wish to urge some caution, highlight some amendments that will be moved by the Liberal Party and just talk generally about some of the issues relating to water in South Australia, particularly having regard to the times in which we find ourselves and the future that we face. I have, on numerous occasions (and I would hate to count how many) over the last 5½ years since I have been a

member of this place representing the seat of MacKillop, spoken on matters pertaining to water use, particularly with respect to irrigation, and so on.

I think most of the members of the house are probably unaware that my electorate takes in a considerable portion of the Murray River system—the lower lakes and, more particularly, Lake Albert and the eastern shores of Lake Alexandrina. My electorate, in fact, adjoins that of the member for Finniss at the Murray Mouth. I not only have a great deal of concern about matters pertaining to water in the Upper and Lower South-East, but I certainly also have a great interest in the Murray-Darling system and the effects that management practices throughout the Murray-Darling Basin have on water use in South Australia. Many members would also be unaware that I represent a number of irrigators who utilise that system, particularly around Lake Albert on the Narrung Peninsula near Meningie.

Dr McFetridge interjecting:

Mr WILLIAMS: As the member for Morphett said, it is a beautiful area. I have a number of electors who utilise water out of there and who are participants in the dairy industry, which is experiencing some pretty tough times at the moment. A lot of that difficulty can be sheeted home to the fallout of the deregulation of that industry. Also, of course, the increase in the value of the Australian dollar is not helping, because I believe that, in the future, the dairy industry will be relying on export markets. But I digress.

Sir, I attended a meeting (as did you) in Meningie early last week (on Sunday or Monday afternoon, I think), where a lot of concern was expressed by the people of the Meningie area and surrounding districts who were seeking information and taking the opportunity to express their views. I wish to reiterate some of the things I said at that meeting to my constituents about some of the thoughts that I had about the management of the South Australian sector, at least, of the Murray-Darling system.

In no way do I agree with those who call for South Australia and the other states to hand over management of the River Murray and its tributaries, anabranches, and so on, to our federal government. I implore every South Australian to read the article written by Steele Hall which appeared in yesterday's *Advertiser*, I think, and which gave some historic context—

Mrs Redmond interjecting:

Mr WILLIAMS: It might even have been today's *Advertiser*. I read it very late yesterday—so, it was today's. It seemed like yesterday. It backed up one of the points that I made to my constituents. One of the things that we enjoy as South Australians, and as a signatory to the Murray-Darling Basin Agreement, is that we have some veto powers. If some of my federal colleagues had their way and moved the management of the Murray-Darling Basin to the federal sphere, I think we would lose the position that we enjoy at the moment. We might, indeed, believe that things could be better, and I am sure that things could be improved. But the chances of that happening are fairly small, in our present situation. However, if we passed over the powers to the federal government, I would guarantee that things would be worse—and substantially worse.

My constituents around Lake Alexandrina are pumping water from the lake, and one of the problems they have had this year is with the falling levels. Bill Patterson is the CEO of the Coorong council, and has been measuring lake levels in an official capacity for a great number of years. He told me that the lake levels earlier this year were the lowest he had ever recorded them. It is the expectation of everyone who has been watching what is happening that those levels will decrease even further.

One of the problems that the irrigators on the Narrung Peninsula, and all around the lake (and I understand the member for Finniss would experience the same problems with his constituents), is that these irrigators need to dredge a channel out into the lake to allow the water to run into where their extraction point is. This year, for the first time, those irrigators, certainly in my electorate, have had someone from the EPA come around and tell them that they had to have a licence and pay a fee for it. Might I say that I think the officer, who is based in Murray Bridge, has done his damnedest to be reasonable with these people. In the conversations I have had with him I have always been satisfied with the response that I have received from him. But I am concerned that these people have, for the first time, experienced this added burden to the efficient operation of their farm and their irrigation.

I just want to bring that matter to the attention of the house and the minister. I did express to those people at the meeting the other night (as you heard, Mr Speaker) that that is something I think they have to get on top of before the next irrigation season—that they have the flexibility to be able to maintain those channels they have dredged into their pumps so that they can continue the activity that they are allowed to undertake.

I have some concerns about the proposal that the 20 per cent restrictions will be on use. I implore the minister to look very seriously at placing the restriction on allocation. There is no perfect system but, if the 20 per cent restriction is on use, it impacts more heavily on those irrigators who have done the right thing and increased their water use efficiency in recent times. Those irrigators who have decreased their use and increased their efficiency and quite often sold off their excess water allocation and maintained only what they actually needed will suddenly incur a 20 per cent restriction and those who have not made the effort to increase their water efficiency will have some headroom up their sleeve. They will be able to increase their efficiency and still maintain production within that 20 per cent reduction in water use quite easily. I do not think that it is fair that the impact will fall more heavily on those irrigators who have done the right thing, and I ask the minister to re-examine that issue.

At the briefing I had a couple of nights ago, officers suggested that, if the restrictions were based on allocation rather than use, they might be of the order of 40 per cent rather than 20 per cent. I think the irrigators would wear that more comfortably, because those who have done the right thing and increased their water efficiency in recent years (as we have been encouraging them to do) would not wear a greater burden than those who have not bothered. I would like the minister to take that on board and have another look at it. I would encourage the minister to talk to the Renmark Irrigation Trust and the Central Irrigation Trust.

The Hon. J.D. Hill: I did so last weekend.

Mr WILLIAMS: I am delighted that the minister has met with those people, because they have a more practical knowledge of what is going on than some of the people in the minister's department might have.

I want now to refer to the bill and some of the concerns I have, and talk about the amendments that the Liberal Party has put on file. I am a little disappointed that the bill has been introduced under the guise of being an emergency measure. I am sure that everyone in the house has accepted the fact that

we are going into a time when water restrictions will be necessary, and extraordinary powers will be required. We need to ensure their speedy passage through the parliament, because the new irrigation season is about to start. A lot of members in this place would not understand that the irrigation season in the Riverland starts about this time of the year, because oranges produce their crop about this time of the year, and their water use is as high now as it is at any other time of the year. Unfortunately, the area in the Riverland where they are grown is not blessed with a huge amount of natural rainfall, and they rely almost wholly on irrigation.

The Hon. J.D. Hill: It was raining when I was there, so I brought the rain!

Mr WILLIAMS: My wife's family comes from the Riverland but I do not know whether they will congratulate the minister, because I do not think they are aware that he brought the rain. However, they were very appreciative of the rain that fell up there about a week ago. There are probably a lot of tractors out there sowing crops in the Northern Mallee and right across the Mallee. That augurs well for the benefit of all of us in South Australia over the next 12 months.

Irrigators in the Riverland need surety about where they are going as soon as possible. I think the house will progress this matter as speedily as possible. The minister has introduced this bill under the guise of its being necessary and as an emergency measure. I am somewhat concerned that once the powers the minister is seeking are inserted in the legislation they will remain there for ever. I have no problem extending to the minister powers to be used in extraordinary times. I agree that the minister needs to have those powers in extraordinary times, but I am concerned that, if we give him those powers now when he needs them, he is able to enjoy the exercise of those powers when they are not necessarily needed and that those powers could be abused by some minister and some government in the future.

I believe that the parliament has to be very careful to look ahead whenever it gives new powers to a minister to see what the ramifications of that might be at some time in the future. I am particularly concerned about the following provisions in new clause 17A:

(a) allows the minister to prohibit the use for a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;

(b) prohibits the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;

(c) prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used.

In extraordinary times, they are all quite reasonable powers. I can imagine scenarios in extraordinary times such as those times we are heading into over the next 12 months when the minister needs those powers for the good management of those things for which he is responsible. However, I would certainly question giving those powers to the minister in the longer term. I have problems with that because these powers will apply not only to the River Murray but also to those irrigators in my electorate away from the Murray in the Upper and Lower South-East who are extracting water from groundwater systems in that part of the state. These powers will be enshrined in the Water Resources Act, so the minister can use them anywhere in the state.

I would not like the minister to have the power to prohibit the use for a specified purpose or purposes or restrict or regulate the purpose for which water can be used. Why would I not want the minister to have those powers? Because, time and time again, ministers are advised by the bureaucrats that certain activities should be encouraged and certain activities should be discouraged. I do not believe that is the role or function of this parliament, and I do not believe that it is the role of any government to attempt to pick winners. I have spent many hours arguing the point with bureaucrats, irrigators and landowners who genuinely believe that their activity is the most important one going on and that they should be a protected species and everyone else should not be allowed to be doing the sort of things they are doing.

I can tell the minister that there are officers in his department in Mount Gambier who genuinely believe that irrigators in the South-East should not be using water to irrigate pasture to grow prime lambs and beef cattle. There are officers in his department who believe that the water should only be used for either growing grape vines or producing dairy cows. I have been involved in primary production enterprises for long enough to know that there is no primary production system which will go on for an extended period without having its economy go through the normal cycles. There will be times when they are extremely profitable and doing extremely well, but there will be times when they do nothing but bring despair to the people involved in those industries.

At the moment, the dairy industry is having a tough time, but a couple of years ago it was riding on the crest of a wave. Deregulation came along and a few other things happened, and we now have the rising Australian dollar, and those people are doing it a bit tough at the moment. The wine industry is going very well, but I do not expect that it will continue to be as profitable relative to some other industries into the future. I think that if anyone looks at the history of primary production they will recognise that fact.

This parliament is basically giving to the bureaucracy the power to pick winners, and I believe that the experience I have had over recent years backs that up. I believe that power will be abused. The Liberal Party will be asking the parliament to consider giving these powers to the minister only as a regulatory power which expires every 12 months. That means that, if he believes that he needs these powers to continue, the minister has to come back every 12 months, remake the regulation and have it run the gauntlet of both houses of this parliament. I think that is fair and reasonable. If the minister and his bureaucrats do the right thing, I am sure that, if he needs these powers, the parliament will grant them.

As to clause 17A(1)(b), which contains the words 'prohibit the use of water in a specified manner', bureaucrats in the minister's department will tell you time and again that flood irrigation is bad per se and that spray irrigation is good per se. Being a user of both types of irrigation, I do not accept that. It is horses for courses. In some circumstances, flood irrigation is a lot more efficient for growing some crops or pastures and some soil types than spray irrigation.

Potentially, these provisions give the minister a range of powers. For a long time, I have argued that those people in the South-East who use spray irrigation should be discouraged from running centre pivots in the daytime, certainly in hot weather, and particularly in hot, windy weather, when I am told that up to 60 per cent of the water pumped to a centre pivot can be lost in evaporation. Just imagine the surface area involved in pumping water through a centre pivot, converting it to droplets and dropping through the air several metres onto the ground on a hot, windy day! Imagine how much evaporation will result from that surface area!

That is why I do not want to see the minister or the bureaucrats have the power to specify the manner in which water can be used. Again, it is only fair and reasonable that that power be rescinded on a 12-monthly basis by the parliament. If the minister needs the powers in an emergency situation, the opportunity is there. The same situation applies in the Waterworks Act, but I will not go through that argument again. I hope that the government will accept the amendments as proposed by the Liberal Party.

A lot of nonsense is talked about water use in South Australia, in Australia and in the world. By and large, the Australian farmer wants to be farming next year, the year after and into the future. Treated properly, he will endeavour to do the right thing, so I do not think that we need be too draconian. If we work with landowners, farmers, irrigators and stakeholders, we will get the appropriate response.

Mr GOLDSWORTHY (Kavel): My comments will be fairly brief, because previous members' contributions have covered most of my concerns. I want to speak about the electorate that I have the privilege of representing. As members are aware, it takes in part of the Adelaide Hills and, together with my electorate and that of the member for Heysen, which takes in the other part of the Adelaide Hills—

Mrs Hall: And me!

Mr GOLDSWORTHY: That's right; and the member for Morialta. The Hills region supplies up to 60 per cent of the fresh water requirements for the Adelaide metropolitan area. It is referred to as the Mount Lofty Ranges water catchment area, or the Adelaide Hills water catchment area, or the watershed. There are several different terms, but they all mean the same thing: the rain that falls in the Hills is caught, comes down through the creeks to a series of reservoirs and supplies up to 60 per cent of metropolitan Adelaide's water.

In discussion with some of my senior colleagues, there has been talk about applying prescriptive measures to the Adelaide Hills water catchment area. I am yet to be convinced that that is necessarily the right way to go. Whilst I understand that it gives security for water users downstream, it can have the impact of restricting increased productivity development in the Hills. I have met with representatives from the pome fruit industry—apples, pears, and so on. Some of those growers are quite concerned about prescription being introduced, because it can adversely affect their development. I want to put that on the record.

I do not think that we really manage our water very well in this state. Huge volumes of water flow out to sea—stormwater; recycled waste water; and water that runs down the gutters, out of gardens, down the footpaths, down the drain systems and through the huge concrete drains that we have built over the years. It may have been best practice back in the sixties and seventies to build these huge open drains, but time has shown that it is not necessarily the best way to use that water.

We have had to spend millions of dollars constructing a diversionary scheme (known as the Barcoo Outlet) out of the Patawalonga, through a series of sandhills out into the sea. The member for Morphett has championed that infrastructure in the house, and it has remedied the problems in the Patawalonga. I do not think we manage our fresh water resources anywhere near adequately in this state, and I will expand on that.

We have seen initiatives undertaken over recent years by Michells, the wool company at Salisbury. In consultation and collaboration with the Salisbury council, Michells has developed a large wetland area where it collects the stormwater from the northern suburbs and puts it through a natural filtration process. Michells uses that water for its wool processing industry.

That is a tremendous initiative, and it shows what can be done with a very small percentage of the stormwater and waste water that is collected in the Adelaide metropolitan area. I hope that this work will be developed over the coming years and that this Labor government will contribute increased funding. I hope that the small example of Michells and the Salisbury council can be expanded across the metropolitan area and that we will see land converted into wetlands, where water is put through a natural filtration process to be used on ovals, parks, gardens and areas that take considerable volumes of water to keep them green for the amenity of the general community during the summer. It is an initiative that the government of any day can develop and promulgate.

Another example of using water more efficiently than previously is the recycling of waste water through the Bolivar treatment plant, which is located to the north of Salisbury. That water is recycled, cleansed and used to very good use on the market gardens at Virginia, Two Wells, and that area. I regard that as a very good and efficient practice. As I just described, we need to have an expansion of wetlands right across the Adelaide metropolitan area. The great bulk of waste water and stormwater can be used on our public lands instead of relying on the Adelaide Hills catchment area and the water piped from the River Murray for those needs. The member for Colton spoke yesterday in the grievance debate about issues relating to waste water. I commend the member for Colton because, whilst I listened to him reasonably intently, I have not read his contribution in *Hansard* in any great detail, but I got the general gist of what he was talking about.

The member for Colton certainly advocates the installation of rainwater tanks in, I think, every home in the metropolitan area of Adelaide. I recall, as a young boy, that an uncle and aunt and their children (obviously, my cousins) lived in a Housing Trust house for a number of years at Dover Gardens when we saw the expansion of the Adelaide metropolitan area to the north and south. I recall every Housing Trust home having a tank stand constructed of besser blocks supporting a galvanised iron rainwater tank. The rainwater was used to supplement the household's water supply. Firewood was stored underneath the tank stand in winter and the family used the rainwater for drinking water in the house. Over the years, obviously, those tanks rusted out, and the government made the decision not to replace them. I think that was perhaps a wrong decision at the time. As I said, I certainly support the member for Colton's comments that those initiatives should be reintroduced. I know that, when we built our new home in the hills, the first item on which we spent money (after the house was built) was on a 10 000 gallon (45 000 litre) concrete rainwater tank. That is next to our home and it collects all the run-off from the roofs of our house and the garage.

In the construction of our home we had the rainwater plumbed into the house so that we could use it in the bathroom, the kitchen and the laundry, using the river water for our toilets. We could really see no reason for flushing good, pure rainwater down the loo. However, in the metropolitan area you could use rainwater in toilets. You could use the filtered water that comes through the reservoir system from the Hills and the River Murray for your domestic needs (the

laundry, bathrooms and the kitchen) but you could use rainwater for the toilet facilities. I know that would make significant savings on the use of the water through the reticulated system.

I want to direct my comments for a short time to the irrigators along the River Murray. I listened quite intently to the member for Chaffey's contribution a few minutes ago. Obviously, the honourable member is very knowledgeable. She has a very strong knowledge of her electorate and those issues that affect her constituents, in particular the issue of irrigators who draw water from the river system. I understand that the minister is talking about a 20 per cent cut in the use of water the irrigators presently use. We have to be very careful—and I know that other members will speak about this—as to how that 20 per cent cut is applied.

If you just say, 'Okay, we're going to implement a 20 per cent cut on your current usage,' that is not at all fair because some irrigators have spent hundreds of thousands of dollars in developing and improving their irrigation technology and their infrastructure so that they are quite efficient users of water. That proposal will certainly harm those efficient users of water. The other irrigators who have perhaps been lazy and who have not looked to implement improvements in their system could be using 95 per cent of their allocation of water and, if you took off 20 per cent, that brings it down to something less than 80 per cent, obviously, but they could still manage their properties with that amount of water.

But the efficient users might be using only, for example, 65 per cent of their water allocation. If you whack 20 per cent off that—because they are using the bare minimum of water to keep their vineyard, orange grove, almond orchard, or whatever their primary pursuit might be—I think you would see serious damage done to their operation. You would see their vineyards and orange groves dying. I issue an extreme word of caution to this government about how it applies these cuts. If this state managed its water more efficiently, if it developed the wetland system in metropolitan Adelaide, obviously, it would reduce the demand the system has on water in the Adelaide Hills and the demand for water from the Murray.

I know that we have been through a one in 100 year drought and that the water is just not flowing down the Murray, but if we managed our water better here on the plains over a long period our demand on the river would diminish. I think that is something this government really needs to focus on. It really needs to fund adequately—and, when I say 'fund adequately', I do not mean for SA Water to do a few reports, surveys and reviews like we have seen over the years. Anyone can sit down and do a review until the cows come home, but it is incumbent on this government to put some money towards it so that we do manage our water a lot better.

I support the bill in principle, as do my colleagues on this side of the house, but it is only a very short-term measure. The adage goes something like, 'Tough times call for tough measures', and I do not disagree with that, but I regard this as a short-term measure. We must cast our mind and project our vision into the future and really grasp the nettle and work through the process to manage our water resources in this state much better than we do currently.

Dr McFETRIDGE (Morphett): We heard the minister say in the house earlier tonight that he brought the rain to South Australia. I know he was being flippant. We saw a former distinguished member of this house, the former Premier Don Dunstan, come to my electorate at Morphett and stand on the end of the jetty to hold back a tidal wave. Fortunately for the late Don Dunstan, that did not happen, because I think he would have been well and truly washed away. Certainly, Don Dunstan was like our current Premier and was into media management. I believe the present Premier was with Don Dunstan and helped him with his media management and, certainly, we can all see that he learned a lot.

It is a bit of a concern to me to see the way that the government is being managed and run today. It is in some ways a re-run (there is a sense of deja vu with it) of some of the things that Don Dunstan did back in 1967 and 1968. I mention a couple of asides. The MATS plan was delivered way back then, and it showed how they were going to reshape the metropolitan Adelaide transport system; and another similar study—a 2003 version of the MATS plan—has just been released. We have the Economic Development Board and Mr De Crespigny and other august gentlemen telling us how they are going to shape and run this state, and they have given us a 'state of the state report'.

Back in 1967 and 1968, Don Dunstan established the Industrial Advisory Council. And, guess what—that Industrial Advisory Council was headed by another esteemed local businessman, the manager of ICI, Mr D.R. Currie. And guess what Don Dunstan did—he also commissioned an economic survey of the state, a guide to economic development. Here we go again!

What is more, when it comes to water it is also a re-run: 1967 was one of the driest years on record. Back then, the river was being discussed in many ways. Salinity was then a huge problem, and it is certainly still a huge problem. The government is still going around and around in circles: we are not going in any specific direction. Back in 1967, the government put aside $350 000 to help farmers suffering from the drought. Obviously, the money that the government has put aside now for farmers suffering from the drought is a lot more than that, but it needs to be a lot more because the drought we are having now is as bad as the drought in 1967. I quote from a book *Playford to Dunstan* by Neal Blewett and Dean Jaensch, as follows:

> The dry winter had left the water level in the metropolitan reservoirs well below the danger level, and by late September—

so we are a little bit ahead of that here—

> a policy decision on metropolitan water was imperative. The obvious and traditional Australian practice, adopted. . . was to impose restrictions on water usage with penalties for breaches.

and that is what we are seeing today—deja vu, re-run Rann.

> . . . this policy [is] hardly welcome [by] any government.

So what did they do? They did not want to amend the bill like we are doing now. I give the government credit for taking this step, but I will have more to say about that later. What they did then was have a water saving campaign, and I guarantee that, had the Premier been able to weasel his way out of this position, he would have run something more of a media campaign like Don did back then. The book continues:

> . . . the cabinet decided against restrictions [back in 1967] and opted instead for a mass media campaign—

Where have we heard and seen that? Then they were urging voluntary restraint. I will talk about some of the penalties in the current bill later. Certainly, there will be some involuntary restraint by some water users. I like to think it would be voluntary restraint but, unfortunately, we know that people need a bit of extra impetus and incentive. Anyway, the water-saving campaign of Don Dunstan in 1967 had a jingle:

With a jingle on the theme 'use the water you need, don't waste it'—

that is what we are urging today; and there is nothing wrong with it; certainly, that is the way we should go—

recorded by a local folk trio; with persuasive rather than didactic advertisements, cleverly conceived and technically accomplished; with practical and effective gimmicks such as a free washer replacement service and a children's water watchers club;

And there was a campaign villain—get this: Mr Drip was the campaign villain—

a campaign hero, the water-skimping citizen, and a campaign general, the Premier himself. The operation was a brilliantly imaginative exercise in governmental public relations.

I am surprised that the Premier has not come up with something like that, knowing that that is what Don did. Having said that, I must say that it is an absolutely vital part of the responsibility of this government to manage the water supply for this state. They can no longer rely on having media management and clever campaigns. Obviously, we need to urge everybody out there—whether they are industrial users of water, irrigators, primary producers of all sorts, or domestic users—to save water. This bill, in restricting people's use of water, will have effects in industry and agriculture and on domestic use, as I have just said. The effects on the irrigation industry will be absolutely huge. I know personally of cases where people will be greatly affected to the point where it could ruin their livelihoods.

A friend of mine has developed a huge industry in instant turf (instant lawn), and he will have double jeopardy. He has done what was expected of him by every government department that has anything to do with land management and conservation, and he has also made his operation as efficient as possible and achieved 85 per cent efficiency in water usage by changing his irrigation methods and using centre pivot irrigators with special irrigating heads. He is no longer using lateral shifts or solid set irrigation. Certainly, he does not use flood irrigation. He has improved the efficiency of his irrigation style to the absolute pinnacle. Yet, he now is about to be hit with a double whammy—first, because we have a drought and water restrictions coming so that people perhaps will not want to buy lawn because they do not want to water it, so his product may be harder to sell; and, secondly, he will be hit with a restriction on the amount of water he can use, although he has done the best he can to reduce his water usage on this instant lawn product that he is selling. He has achieved 85 per cent efficiency, and now the government is putting restrictions on him. We do not know how much the restrictions will be—10 per cent, 20 per cent, 30 per cent or 40 per cent. Under clause 17A(1)(a), the minister can prohibit specific use. Will he consider growing instant lawn to be a use that is no longer acceptable, and will he stop it and ruin this man overnight? The minister can also use clause 17A(1)(a) to restrict water being used in a specific manner. While I cannot see the minister stopping people using centre pivots, certainly the restrictions on flood irrigation and solid set irrigation may be in the minister's sights.

The minister and the government will have to be very careful how they handle imposts on the irrigation industry. I do not remember the exact value of the irrigation industry to Australia—the Murray-Darling Basin Commission had those figures—but it is billions of dollars worth of product. South Australian products vary from the vine products and wines, right through to fruits and certainly irrigation of dairy paddocks.

The way that the government handles this matter will have to be very well thought out by people who have practical knowledge of the industries. It must not be a knee-jerk reaction by some over-zealous bureaucrat who thinks that this is a target that is achievable under perfect conditions. We all know that irrigators have to put in irrigation drainage management plans (IDMPs) before they receive their licences and are allowed to irrigate. An IDMP is the theory, but the practice may be a little different from that, so I ask the government to consult with users of water in the irrigation industry before figures are set.

I hope there is no bluff and bluster by the government, saying that it will be restricted to 20 per cent, and then when it is restricted to 10 or 15 per cent people will think, 'That's not bad; we got away with it.' However, 10 to 15 per cent is still a significant reduction in the amount of water that can be used. I am not clear, and I do not think that the government has made it clear, whether the restriction will be on the allocation or on the use. This friend of mine uses his full allocation, so he will be penalised no matter how it goes. However, some farmers, some irrigators, have been very efficient and have not used all their allocation, but they will also be made to suffer.

The minister needs to be very careful when considering introducing restrictions, and he needs to be aware of the fact that the restrictions cannot be carte blanche and stay in force forever. They must be for a limited time and be reviewed. So, if irrigators are going to suffer an impost on their business, it will be for a specific period, they can plan for it, and they can work around that.

I have had an interest in the granting of water licences for many years. I was involved in a property at Wellington that had flood and highland irrigation on it. When we bought the property, the fellow who owned it previously had sold the licences off. Wellington is on the very bottom end of the River Murray, just where the river enters the lakes. The flood irrigation licence and the highland licence to this property were huge licences. They were tens of megalitres, not quite hundreds of megalitres, but they were huge volumes of water.

The licences were sold upriver, to Waikerie. Instead of those volumes coming out at Wellington, at the very bottom of the river, those huge volumes of water are now being taken out at Waikerie. I am concerned about this, and I ask the minister to look at some way of stopping the transfer of water licences upriver because we cannot keep taking out more and more water upriver. The licences cannot all be sold upriver, otherwise nothing will come downriver.

I do not know how that can be managed. There is no easy answer and, because water licences are available on the open market, as a liberal, I would not be rushing into managing that market. However, because of the crisis that we are facing with the River Murray, we are going to have to look at it very closely. I hope the minister and the government can determine whether people should be compensated or somehow otherwise allowed to work around the problem.

Will the value of water licences go down because of this? Water is now known as blue gold, and it is indeed blue gold. If the minister is not careful about the way he puts imposts on irrigators, the market may be affected. We also have to be careful about what is happening interstate because we know that the interstate transfer of licences is occurring and we do not want to mess up the value of these licences for irrigators. That is what happened to the poker machine operators who were messed up when the taxes on poker machines were increased. The value of those licences went down because the

taxes were shoved up. People's livelihoods and businesses were put in jeopardy.

The other big part of water management is the domestic scene. As members in this house know, there is nothing much more domestic than Morphett. It is one of the smallest electorates in the state in area, just 12.8 square kilometres, but 24 000 people live in Morphett and they use huge volumes of water. It is also at the bottom end of the Patawalonga catchment, and large volumes of stormwater and run-off from the catchment come down through both the drains and through Sturt Creek, Brownhill Creek, Keswick Creek and the Airport Drain.

If the huge volumes of stormwater that come down through the pipes and out through outlets along the beaches and down into the Patawalonga are not considered for reuse or recycling into some sort of filtering system like the wetlands at Morphettville, we are doing the state a huge disservice. The huge volumes of water that go out to sea every year could be reused.

We heard the member for Kavel talk about the treated water that is being recycled from the Bolivar treatment works into the market gardens at Virginia and Two Wells. I know that at Christies Beach recycled water is used on the market gardens and vineyards at McLaren Vale. We also heard recently of a pipeline from Port Adelaide to Virginia and Two Wells.

Compared to the huge volumes of water that the Glenelg treatment plant puts out to sea, a very small portion is recycled onto the golf courses, the baseball club and the show jumping club, and I spoke recently in this house about reusing that water to irrigate the Morphettville Racecourse. The government should be looking at ways of reusing what is A-class water. It is not quite potable water, but it is very safe and it should be used on all the parks and gardens, not just let run out to sea. What is the cost of that exercise compared with its benefit?

The member for Kavel spoke about rainwater and the member for Colton spoke about rainwater tanks in Housing Trust homes, and we should all be encouraging people to conserve rainwater. There are health concerns with collecting water from the roof and letting it sit in a tank for a long time but, when you look at the quality of the water in the River Murray and its salinity levels, there is not too much of a problem.

It used to be said that the two places in the world where boats did not take on fresh water were Port Said in northern Africa and Adelaide. I know that has changed because of the brilliant filtration and water purification systems in our reservoirs, but rainwater is another source of water that could be used if the way it is collected from roofs and industrial areas is managed correctly. Perhaps it may not be suitable for drinking but we could reuse it on parks, gardens and lawns. Grey water could also be reused.

Water quality is something that we must take care of because the River Murray will not be fixed overnight, and we must be very careful about what we do in the river. Thousands of tonnes of salt go into the River Murray every day, and we have to encourage all users of the Murray not to degrade the river any more. At Wellington, when we had flood irrigation on our block, people with a licence would let the water run onto the blocks, then they would pump it off from the drains back into the river, and that was nicknamed a licence to pollute or degrade the river. That still occurs with flood irrigation.

I urge the government to reinstate the funding that the farmers on the river flats were promised to help them upgrade the quality of those river flats. The dairy farmers need that money. I understand that 11 dairy farmers in the Jervois area have already sold their farms. They are going out of business. The $25 million factory at Jervois will be rendered useless if there is no industry, and 1 300 jobs on the Fleurieu Peninsula will be lost.

Water is so vital to South Australia. We are the driest capital city in the driest state in the driest continent in the world. We need to be careful about what we are doing. I attended the recent bushfire summit and I saw some films of the fires in Canberra. It had endured a terrible drought and the gardens were allowed to dry right off to absolute tinder. When the fires went through, the tinder-dry fuel that was around homes and in gardens added to the fuel load and the fires took off. I am not sure how people will manage that if they cannot water their gardens, but that is another avenue that we have to consider. We need to help them remove the fuel load from their gardens, particularly in the Hills.

Water management in South Australia involves every aspect from thinking about bushfires right through to conserving water in huge irrigation areas and conserving rainwater. I urge the government to look at the way it manages this bill and consider the imposts on the people of South Australia, not only the domestic users but also the huge irrigators, because, without industry along the river, this state will suffer immensely. Without the River Murray, this state will probably die.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

Mr VENNING (Schubert): I note the time of night, but it is an important bill and I rise to support it with amendment. Although I support the concept of introducing water restrictions, I think we are probably 12 months too late with this because, although we did not need to do it physically, it would have been smart politically to introduce these restrictions last year. So many of my constituents have said to me in the past six to 12 months, 'Why haven't we got water restrictions?' We know the eastern states are going through harrowing restrictions and it would have been sending the right message. Belatedly it is the correct thing to bring in water restrictions. I would have supported it last year as well.

For several reasons we should introduce restrictions. First, it sends the right message to other people, not only to the interstate users but also to the people who have been irrigating cotton. I have friends and relatives who irrigate cotton and rice, and they cannot believe how they are supposed to exist with the huge reductions and allocations that they are experiencing. The water is not there and they cannot do it, but now we are doing this they feel a lot easier about it. It also promotes efficiency of water use. We are referring not only to the big users (the irrigators) but also to the ordinary people, those of us who turn on the tap and always expect it to come out and always be there—an immense resource that goes forever. We know that if the dam is empty or the river is dry no water will come out of the tap, filtered or otherwise. We all need to understand that, whether it be cleaning your teeth and letting the tap run or washing the car and letting the tap run, if we add it up it involves a lot of water.

Thirdly, and most importantly, it is now a matter of total necessity: we have no choice but to go down this track. I have a difficulty because, while we are talking of a 20 per cent cut across the board, that is the allocated figure we must achieve. I believe we will achieve that, but I am very concerned that you cannot turn around and say to every irrigator, 'Your allocation will be cut by 20 per cent of last year's meter reading.' That would be grossly unfair because I know several people have gone to a lot of trouble over the past three to five seasons to cut down their water use in order to become more efficient and have spent a lot of money and resources doing that. Some have cut back their water use by 30 or 40 per cent by using various sensing methods, electronics and monitoring and putting in a lot of effort, resources and finances. Now we see they have cut back their water use to levels way below the regional averages.

It would be very unfair if we now said that we will cut back their new efficient use by 20 per cent, because it is giving totally the wrong message. It will hit them very hard, and those who are doing the wrong thing and who turn on the tap and water as they always have will be the beneficiaries of the 20 per cent cut, as they will get a 20 per cent cut off a larger amount of water. I hope the message is getting through to those making the decisions. I believe these decisions will be made by people who know. I have spoken to the minister and shadow minister, both of whom assure me that SA Water and others are looking to people like the Renmark Irrigation Trust (RIT) and the Central Irrigation Trust (CIT) to work out for themselves how they will implement a 20 per cent cut across their irrigators. They will make up the formulas themselves because all supplies are metered; they should therefore be able to work out who are the efficient and less efficient irrigators. These people should come out with a formula and it should go beyond the regions of the CIT and the RIT and into all regions of the state as a formula that could be levied so that people can fairly share the 20 per cent cut.

You, sir, as the member for Hammond would be aware that it should not be an across-the-board cut. If it is I will be very concerned and quite upset. It must be a mix of the original allocation to the farm versus a recognised figure calculated by these authorities and trusts. We know the ballpark figures in relation to vineyards, which are around four to five megalitres per hectare and for citrus seven to eight megalitres per hectare. If it is more than that, you cut them back to that and they will soon become more efficient out of necessity.

Some irrigators would suffer critical long-term loss and damage if they could not water their crops. I refer, for instance, to growers with new vines planted. Some are not very well placed to take a 20 per cent across-the-board cut, particularly in relation to their original allocation. A new almond orchard at Walker Flat is owned by Mr Peter Cavalaro. I spoke about him yesterday in this place, but I name him tonight. He has spent millions of dollars and done a brilliant job with almond trees growing in land that you, sir, would know well: it is out from the river where not much else grows, because it is low quality land. However, these beautiful trees are growing. It would be a travesty if the water was cut off, because the almond trees would die and the rainfall is not there to sustain them. Even though we are having good rains at the moment, come the first sign of summer those trees will die and we will put back this man and his family three or four years. He will then have to start again for the lack of one year's water. I hope the people in authority making these decisions will keep this in mind, as their deliberations are very important and there could be serious ramifications if they get it wrong.

The minister has an extremely important role to play in this. I urge him to stand fast, make the hard decisions, trust in his own judgment and not rely entirely on the advice of his department, particularly the advisers whom we see a lot of. I cannot stress that enough. I have some respect for this minister, but I am aware of certain problems, particularly in relation to the Lower Murray irrigators. I hold grave fears—a problem I share 50/50 with you, sir—for the Lower Murray irrigators, these 300-odd families down there who are suffering badly at the moment.

This afternoon I made a speech and, because the minister is present in the chamber I will say now what I was not game to say earlier. One should not slag a minister when he is not present. I am not a natural slagger, but the situation has become particularly bad for the minister and his department. As has been reported to me today and yesterday, the minister refuses to speak to Mr Terry Lee, the General Manager of the Lower Murray Irrigation Board because of the way Mr Lee organised a public meeting so that the public could ask questions of the minister.

I know Mr Lee quite well, and I admire and applaud his conduct throughout this entire rehabilitation project. He has been a real ambassador for the dairy farmers. Somewhere, something does not fit. Is this not a government that prides itself on supposed openness and honesty? Some say it is a joke. I spoke to the minister after the meeting. We shared some confidences, and I will not breach them. But I say to the minister: you have to work with the people who are there. You cannot turn your back on them. You work with them. I always said in life: work out where your foe is and work with them. Face to face is the only way to win this battle. Like it or not, Mr Lee has the confidence of those people and, if the minister wants to win them, he has to work through Mr Lee. I am prepared to do what is required (because, as the minister knows, I have some time for him personally) to work this through so that, in the end, we achieve a good outcome.

These farmers have been told not to speak to the media, or me as an MP, or to any other MP (and that would include you, sir, I presume). If they do, the government, through the minister's great mate (and I do not know who that is), the public servant on the rehab project, will not deal with them. Effectively, they are being held to ransom—some would say blackmail. If they are not happy about the deal they are getting and say something to me as their local MP, the Hon. Peter Lewis or the media, they are likely to get nothing. Therefore, we have not had many irrigators raise this matter, because they are frightened (and that is the only word I can use) that, if they do, there will be consequences. This is as reported to me, and I cannot attest to its veracity. This is how it was reported to me, and I relayed that to the minister, who is in the chamber right now.

I intend to work feverishly over the next three to four months, particularly when we are not sitting, and go and see these people and help them. I am happy to stand side by side with the minister to bring some solution to this serious problem. To hear this kind of feedback from good South Australian people who are in trouble makes me feel sick in the stomach. I hope it makes some of the members on the opposite side feel queasy too—although I doubt it, because Labor has not cared about real issues of late. It does not understand how its decisions can ruin people's lives. The minister must take control of his department and move

towards logical policy making. I hope it is not too late for the dairy farm irrigators in the Lower Murray, but I fear that Labor may already have the blood of too many dairies from the Lower Murray on its hands, and I fear that the local industry will be lost forever.

I do not believe that it is too late—I hope it is not too late. I am happy to arrange meetings to assist the minister on any basis that he would wish, and I hope they would be down in the country. Can I give him some advice: please leave his advisers at home, because I think that is the problem. I cannot get to the nub of the problem, sir, and I know that you cannot. But that is the perception out there—whether or not I like it or the minister likes it. That is the situation that we are dealing with. I can see some tragedies happening here, because people are saying things and getting very emotional. And what happens? Some of these are third or fourth generation. Some of these lads are the same age as my son—32, 33, 34—and they do not know where to go. They have been to the bank, but they do not get a loan: the bank will not lend money on rural projects, because the money will not be returned; the asset is not there.

Some people have been advised to quickly sell their property or to get off the property and sell the licence, because it is the most valuable thing they have—sell the licence and walk. And that is what they are doing—flogging off the licence and they are gone. What will happen? Who will irrigate these lands when they are gone? You know, sir, as the member for Hammond—we have had a personal debate about this—that these lands have to be regularly flooded to maintain them in any sort of condition. So, where will the water come from? It has been sold off: it has gone upriver. This problem goes on and on.

We must all play our part. We have had very good opening rains over most of the state—not all of it, but most of it. This certainly can alleviate the problem in the short term. From now through to September/October the rain will take the heat off this situation, as long as we get some more good follow-up rains and those who have missed out get good rains. Seeding is being carried out right now across probably 75 per cent of our cereal country at the moment. I realise that it will take at least two years of above average rainfall to replenish the Murray and its tributaries and catchments. Even though we have had plenty of rain, the Murray is like a great sponge, and it will take a lot of water to restore it to its former condition. As I said, we can all do our bit. We will be more focused on the problem; indeed, we have to be more resolved about solving this. This is not a problem for the year 2003, 2004 and 2005: it is a problem from now on because of the huge demands that we make on this vital artery of ours, the River Murray—not just for Adelaide for which water is vital but for all those people who are now dependent upon it for their livelihood through irrigation. That, of course, includes most of our regional cities—Port Pirie, Port Augusta and Whyalla. It also now includes very good schemes—such as the BIL scheme in the Barossa, which is a vital and very effective scheme, and the Clare Valley scheme, which is coming on now. I cannot stress enough how important it is that we protect this vital resource.

As I said, I have been involved with both water schemes—the BIL in the Barossa and the new Clare system, which is being built now. We must do our bit. I presume that the BIL scheme will also suffer a 20 per cent cut: I am not sure about that; it is not spelt out exactly. Again, I suppose that will depend on the formula that has arisen from CIT, RIT and others. When they come up with a common formula, a common reasonable figure that they ought to be using, they will then share the 20 per cent cut that way.

As I said, we must do our bit: every drop, or drip, counts—and the people who do not do the right thing come into the category of being drips. On our farms, as the member for Stuart would know, we have installed large polythene and fibreglass tanks on all our buildings and we can now collect over 200 000 litres of water. People might say that that is not very good economics, because big tanks are not cheap. But, when people suffer cuts like this, it certainly becomes a lot more attractive. We use this water for crop spraying. It is better than using tap water, because it does not have chlorine in it. It is better for the environment, better for the purse, and the best thing is that it makes us feel good, because we are not using up this valuable resource, and we have solved a flooding problem during winter. I think the focus on water tanks, even though some would say that it is trifling and it is a bit of a kitschy argument, again sends the right message. We use it wherever we can and, certainly, we are able to use less chemicals, because we use cleaner, less polluted water. It is vital to us all. As has been said many times, we are the driest state in the driest continent, and I certainly support this bill.

I want to turn now to the amendment of the member for MacKillop in relation to the sunset clause. I believe that the powers of this bill are very strong, as they need to be. I believe that the minister will support the amendment, which provides that these powers have a sunset after every year; they should be reassessed before this parliament. When the need no longer arises to have restrictions, I believe that all these powers should go and we revert to the normal situation, as is the case now.

This is probably the most important bill we have discussed in this house for a long time. We, as South Australians, will share an inconvenience of cutting back on the water that we just take for granted—the tap on the lawn, the tap in the sink, the tap in the laundry, the automatic washing machine; the things we just turn on and forget—set and forget. I think those days are over for the next 12 months or two years. We must all do our bit. In all good faith, I wish the minister the best of luck, because he has a very important job. But I ask him to please take note: a lot of what we say is not politics; it is trying to give him a message—advice—that, together, we can solve this problem. I do not think it is the time to play hard politics, particularly with respect to issues such as the Lower Murray irrigation situation, because the costs are too high. I am prepared to do my bit, on a bipartisan, non-political basis, with this minister, to solve these problems. If he wants to come to my patch, I would be happy to be there and do all that is required, and face the test of time. If you fail minister, we all do. I support this bill, and wish the minister and his department (even though I have given them a bit of a slagging tonight) all the best, because we are relying on them to get this right. If we do not get it right, we will be in a very serious situation indeed.

Ms THOMPSON (Reynell): It is not my habit normally to speak on bills where we all really agree on the importance of the bill. Our focus should be on passing the best bill possible. I think we all get worn out when some members opposite seem to think that we are all paralysed without the benefit of their limited wisdom, which they share with us at great length. However, on this occasion, I will speak very briefly in order to pay a tribute to two women who have worked very hard in relation to these issues.

The first is Susan Lenehan, whose wisdom I wish to recognise in relation to her early efforts in encouraging irrigators on the River Murray to adopt a pilot scheme of moving from an open irrigation system to a drip irrigation system. When Susan Lenehan was minister for water resources, I was told by one of the local identities I met on a Public Works Committee inspection to tell them about this scheme. I was with you at the time, sir, but I cannot remember if it was at Barmera or Loxton on a Public Works Committee inspection that a person told me that he and other community members had been somewhat sceptical when a woman minister in high heels and a smart skirt came up to tell them, as he thought, how to run their businesses. However, she talked sense, and they decided to cooperate with the state and commonwealth governments in the pilot scheme to look at moving from the open irrigation system to drip irrigation. He tells me that he is now a convert and, indeed, he was an advocate of the benefit in investing in wiser water uses for other members of the community. He acknowledged that Susan Lenehan was a leader in asking the Riverland community to look at different ways of operating. So, I think it is important that we should pay tribute to her at this stage.

I also want to pay tribute to Mrs Hazel McIntyre of Suzanne Street, Morphett Vale. Mrs McIntyre is quite elderly, but she is committed to saving water and has a great interest in the River Murray. She has installed three rainwater tanks and is convinced of the benefit of us all installing rainwater tanks. She visits my office regularly to see whether I have installed another tank yet, and to urge that the government require all new developments to have rainwater tanks. There has already been some canvassing of the issues surrounding rainwater.

Mr Brindal: Do you have a rainwater tank?

Ms THOMPSON: Yes, I do have a rainwater tank. Not only do I have a rainwater tank, but I have been using a suds saving washing machine for the last 30 years, and my neighbours regularly see me taking out the water from my shower and the washing machine and distributing it on my fruit trees, roses and front lawn.

Mr Brindal: Do you have a brick in your cistern?

Ms THOMPSON: No, but I am very conscience of saving water. I have a dual cistern, and I am very conscious of the old saying: 'If it is yellow, let it mellow. If it is brown, flush it down.' I, too, lived through the 'Save Water' campaign.

An honourable member: Too much information.

Ms THOMPSON: It may be too much information, but it also illustrates the sacrifices that some of us make in order to save water. I want to recognise the effort made by Mrs Hazel McIntyre in advocating with her neighbours the importance of installing water tanks and their uses. I also want to recognise the sacrifices that many of the irrigators have already made and will be required to make as a result of this legislation.

During my several visits, as a member of the Public Works Committee, in relation to salinity in the River Murray and water preservation, I learnt from irrigators that there are very different approaches, many fears and a great variety of readiness within the community to adopt new practices. It is very important that we support and encourage those who are leaders in this field. Sometimes we have to do more than urge those who are slow to adopt new practices and, unfortunately, those people will be rudely awakened now. It is sad that they were not able to take minister Lenehan's lead earlier, but we all understand that people will accept what they can use without necessarily changing. They will be required to make sacrifices; I recognise this. I know the government has already committed to consultation.

City people will have to make sacrifices and, in our own way, we already do. A community education campaign will be very important to make water restrictions something we want to do rather than have to do. I think that was one of the important achievements of the Dunstan campaign, which I think should be respected and not ridiculed. It was extraordinarily successful, and we may be able to learn some lessons from that in facing our current situation with optimism and determination. So, with that brief contribution, I have said all I need to say on this issue and I invite others to be as brief in their contributions as I have been.

The Hon. M.R. BUCKBY (Light): I will be brief with my comments, but I want to raise a couple of issues in relation to this bill, the first of which is the reuse of stormwater. In 1991, when I was with the Centre for Economic Studies, I undertook a study of the economic impact of stormwater in metropolitan Adelaide. That study showed that as much water went down the drain and into the gulf as was used in metropolitan Adelaide. I came across a number of examples of good practice in those days (and I am going back 12 years) that we really should be looking at now. Not much has changed in that time, and it really should have.

One example I came across when I was undertaking this study was Scotch College. They were harvesting stormwater off the streets and putting it through a reversible bore into a perched aquifer and then pumping it up during the summer time and reusing that on their ovals, playing fields and lawns around the college. At that time the cost of the bore was $20 000, but they actually paid for that bore in three years by the water they saved. In fact, they reduced the salinity of the underground water they were using by 500 parts per million. So, they saved not only water but also money by not having to purchase that water. They used the water harvested off the street and actually improved the aquifer due to their catchment being high up in the water catchment, so the water was quite pure and was not contaminated by heavy metals or contaminants from the road surface. As a result, it was extremely useable water.

In that study, we looked at the seagrass off the coast, and each time treatment plants, such as the Glenelg treatment plant and Bolivar, were installed into the system, we saw the retraction of seagrass because of the nutrients in that water which were flowing out to sea rather than that water being reused. It was with a great deal of satisfaction that the previous Liberal government started the Bolivar pipeline, which had been talked about for probably some 20 years as an option. A lot of that water from Bolivar is now being reused by market gardeners in the Adelaide Plains, and, as a result, those people do not draw on the aquifer as they previously were.

I believe there is a huge potential in the reuse of stormwater, and no government—Liberal or Labor—has tapped into this. There is a large amount of very good quality water high up in the catchment area which could be trapped, used and recycled for watering parks and gardens, particularly in the council areas in the eastern suburbs, thereby cutting down on the water use from the River Murray.

I am pleased to say that the Environment, Resources and Development Committee undertook some research, and we are about to look at the first draft of our investigations into stormwater. We have heard a number of witnesses who have

provided some very interesting information. Once we have completed the reports this will be available to the parliament and to the minister, and I hope that he will look at that evidence. I will not go into any detail at the moment, but I will speak about it at length when the report is finalised.

The second area that I want to discuss briefly involves the allocation to our irrigators. I have a number of vignerons in my electorate in the Rosedale, Gomersal and Seppeltsfield area. In particular, the Rosedale area has a number of new vineyard plantings that have occurred in the last three or four years. Whilst those that have been planted in the last 12 months have an allocation, I know that many vignerons have not used it because they have been developing their vineyard.

The question is whether this 20 per cent reduction will be on the allocation or the water use. The vignerons will be very disadvantaged if it is on the water use, when they have planted a vineyard in good faith and have been given an allocation. They will be penalised as a result of not having 80 per cent of their water allocation, or whatever the figure might be, and will see the possible loss of vines. I am sure that the minister will outline that situation in his summing up of the second reading debate, and I ask that he indicate where those people stand who have not used anywhere near their allocation and what they can expect in the year to come in terms of watering very young vines. It will be particularly critical to keep those young vines alive if we have a hot, dry summer; otherwise, the vignerons could suffer substantial loss.

Irrigation has seen significant improvements over past years. Many members have talked about drip irrigation but, when I undertook an agricultural science degree in the mid 1980s, it was just at the time of the changeover from overhead to drip irrigation. Most vineyards, or those that are leading with technology, have moisture metering and a soil profile is undertaken so that vignerons and orchardists are able to know the critical time to water and putting on only the water they use. I congratulate those irrigators on embracing that technology and saving a large amount of Murray River water.

With those few words, I support this bill. I am interested to see what will happen with the water allocation issue. The government must look seriously at the reuse of urban stormwater and how much can be harvested and used on parks and gardens. It should encourage suburban householders to reuse water, possibly on their plants, instead of letting it run off their roof and out into the gutter of the roadway. It should also introduce new building codes so that new housing developments are encouraged to use grey water or reuse stormwater.

Mrs HALL (Morialta): We have heard many of our rural colleagues speak in great detail and, I believe, with great knowledge about this bill. Following on from the member for Reynell's remarks, a number of metropolitan members have had some interesting things to say because, as we know, this measure will affect all of us in very different ways. Parts of the electorate of Morialta are in the Hills, as mentioned earlier by the member for Kavel. A little later in my remarks I will refer to some of the correspondence and some of the contact that has been made with me as, essentially, a metropolitan member.

In my view, this bill has two aspects that need to be considered, and I have divided them into short and long-term considerations. In particular, in my view, the short-term considerations are the immediate management of the water of South Australia; the absolutely urgent and imperative component of consultation with all the stakeholders; and, given that this government has the mantra of 'open and accountable government' and boasts about it just about every day of the week, I believe it is fair to ask (and I am sure that the minister will address this question later in the debate): what is the government's advice about, first, the state of storage if this year has normal catchment flows and, secondly, what is the government's advice if the flows are once again below normal? I believe these are very legitimate questions, and I have no doubt that the minister will address them in his second reading response.

Given that the government has the mantra of 'open and accountable government', I believe that it has an incredible responsibility to explain to the public where we stand on those questions so that members of the community can understand why we will have 20 per cent restrictions from 1 July. If that is to be successful, it is my view that cooperation will probably be one of the most important aspects of the success of the measures we are currently debating.

The long-term aspects of this bill can be divided into a number of points. However, tonight we are formally declaring war on wasted water, and we have heard of many examples. We are also covering many of the environmental issues, which we have done on numerous occasions. The community interests are also of concern, and I have divided those into both environmental and economic aspects. In addition, we have modern technology and science issues, as they relate to the improvement and initiatives for saving our water in the future. We have discussed (and will continue to do so) all forms of distribution into the future.

Time and again it has been acknowledged that perhaps the most difficult of all the questions that arise from this bill is the restoration of the flow which, once again, leads us to the Queensland problem. We all have our views about how Queensland and some of the other states cope with their difficulties. Certainly, when you are down at our end of the river system, what happens in the other states becomes quite crucial. There are huge implications for the long-term future of the river and our state, as we have heard many of our speakers say before. Given the emergency status of water and our debating this bill with great speed and cooperation, much caution has been expressed. I support many of the aspects of the bill about which some of my colleagues have expressed much caution.

I understand that the minister has already indicated that he will support the amendment, particularly the one concerning a 13-month regulated power. That brings us to the issue of allegedly emergency legislation. We are talking about mixed messages here. I believe that we do need to know about the intent—short and long term. We are discussing it in an emergency situation but, of course, the powers about which everyone is so concerned and the method of implementation of those powers will be extremely important. I strongly support the amendments that have been discussed in consultation with the minister. As I said earlier, I think the mixed messages and the mixed interpretation of various stakeholder groups in relation to this bill should be of concern to each of us, and I think that we will hear more about that aspect in committee. I cite one line from the minister's second reading explanation, as follows:

> This bill is not targeted only at management in drought conditions, but seeks to generally ensure that water use in the state is based on sound water conservation practices.

I would argue that that does not need to be stated in a bill that is allegedly about emergency provisions. If there is a case to be made for the better use of water (and I do not believe there would be any dispute about it in this chamber), I believe that is the bill that should be brought into this house, but I do not believe that it should be brought in under the guise of a current emergency. As has been said, we know that we are discussing 20 per cent water restrictions, and I think that the publicity and the focus that has been put on that issue is incredibly important.

As I said earlier, metropolitan members all have stories to tell about issues that are of importance to our electorate and our constituents. Over the years in this chamber, it is fair to say, one of the most important issues in my electorate—strange as it may seem—is the management of dogs and cats. I keep a little tally of the contacts to my office. Prostitution, I might say, figures up there highly as well, as does shopping hours and death and dying. But, to my astonishment, the number of contacts coming into my office from constituents and members of the wider metropolitan community about this issue has been quite extraordinary.

I thought that I would quote from a couple of the letters that have already come through, because they show a much greater depth of understanding and concern by a number of people who do not necessarily have vested interests in terms of being irrigators or industry. I will not use the gentleman's name, but his letter states:

> I like most South Australians are becoming increasingly concerned with the state of the Murray River as well as other water resources in South Australia.

And he goes on to express his concern. He then states:

> I therefore request that you place pressure on the government to introduce rebates or government incentives for householders to install water-saving devices.

He then goes on to suggest that there should be a requirement that all new houses built in South Australia have rainwater tanks installed at the time of construction—similar to the requirements that currently exist in relation to smoke detectors—as part of the environmental requirements for construction of new properties. That does ably demonstrate, just as a small example, the concern that is widespread across our community.

Another contact came into my office yesterday. A gentleman has gone to very great trouble to assess the amount of water that is used to wash a car, particularly the dirt content on the car—how much water it takes to get it clean. His letter goes on in very great detail (which I will not share with the chamber) about the amount of water that is used by people who 'spend a penny two times a day'. But, whilst we can smile at those sorts of examples, I do believe it expresses, in a very real sense, the concern that is felt widely across our state. As has been mentioned already, we know that water restrictions are already in place in other states. Certainly, I think it is quite an issue for reflection when one thinks of the numbers of times over the years in the history of our state that water restrictions have been imposed.

A pretty good book entitled *The History of the Engineering and Water Supply Department* was published in 1986. It goes into some detail about the times in South Australia's history when water restrictions have been imposed, and that goes back to 1930. The state experienced restrictions again in 1932, 1936 and 1937, and across the metropolitan area between 1934 and 1935. There were more water restrictions in the metropolitan area between 1944 and 1946. When one thinks about that and the fact that we are the driest state in the driest continent, one notes that there are relatively few periods in our history when we have had to endure water restrictions.

It is a great tribute to the education programs that have been conducted and the focus on the water issue over the last few years that people are probably far more understanding now of the need to proceed. Another book entitled the *Atlas of South Australia* gives some very interesting statistics. It lists the severe agricultural droughts that have occurred in our state and, when one thinks about that and the hardship that flows through our community, one recognises that it is quite distressing. The book talks about the early droughts between 1884 and 1886, then again in 1895 and 1898, 1901 to 1903, 1911 to 1915, 1927 to 1929, then 1943 to 1946, 1959, 1961, 1967, 1976 to 1977, and again in 1982.

The book then states that this drought is one of the worst of all times. The fact that the land area in our state receives only 3.3 per cent of the mean annual rainfall of about 500 millimetres, while about 83 per cent receives less than 250 millimetres, is really cause for consternation and reflection, and it brings again into stark focus what we are talking about. As was said earlier this evening by a number of speakers, fairness will be one of the most difficult issues for all the stakeholders to be comfortable with at the end of this process. But, given that the concentration on open and accountable government seems to be so important, I suppose that the minister understands that the consultation process will be vital to success, in addition to long-term community support for the measures that we are debating this evening. We are all aware of the numbers of people, stakeholders and groups who will be involved in this process, but I can only reiterate the calls that have been made that those responsible users who have already implemented conservation measures and initiatives should not be punished.

It is appropriate to cite the shadow minister for primary industries and regional affairs (Hon. Caroline Schaefer) who, at the time of the announcement, said:

> A flat 20 per cent or 10 per cent cut would punish the efficient people who have already taken the initiative to reduce their water consumption. A classic example of this would be an irrigator who loses 100 per cent of their allocation but, under the proposal, would be cut back to 80 per cent of allocation. If this irrigator had already embraced modern water-saving techniques and was using only 50 per cent of their allocation, then cutting this by 20 per cent may leave them with unsustainable levels.

I believe that we are going to hear a number of heart-wrenching stories if this issue of water allocation, use and so on is not handled in an appropriate way. The issues, as they affect the domestic users, are quite important, and I can only commend some of the education programs that have already been put in place. It was with great interest that I read *Waterproofing Adelaide*, which highlights some pretty interesting aspects and from which all of us can still learn. *Waterproofing Adelaide* reminds us that South Australia has the highest per capital level of water recycling in Australia and is a world leader in some aspects of sustainable water use, including aquifer recharge of stormwater and reclaimed waste water. I guess it is that sort of information that will make it much easier for the community to accept what we are about to do.

There is also on the web some very interesting material, and there is one that says, 'Make every drop count'. It goes through a list of things that one can do to improve water conservation and divides them into areas of the home and the garden. I am sure the minister would be delighted to know

that they recommend a long soak because a bath will use less water than a shower and a shower uses between 10 to 20 litres of water every minute. I hope that many of the teenagers who eventually investigate the web sites take notice of that. It also talks about a leaky tap wasting 2 000 litres of water every month.

But in the garden, of course, which I am sure interests many members of this chamber, we have to let our grass grow a little longer in summer because a lawn that is shorter than 2 centimetres will not have enough leaf area to protect itself from the harsh sun. We are also reminded that we have to regularly weed our garden, because weeds compete with our prize plants for water. I guess what I am saying is that the examples I have just used are quite important in the ongoing education program and the community involvement and support for these general issues.

Comments have been made by some opposition members who are very concerned about the interpretation and the power that this gives to the minister and the way the regulations are implemented, and I guess we will hear more about that during the committee stage. I think the complexities and history of the problems of the River Murray have been well documented and outlined in a most articulate manner during the River Murray summit, and I have no doubt that solutions will be found. I think probably the most important aspect of this is the spirit of cooperation and determination that support from this chamber will provide, and I think it is very significant that this debate has taken place in a spirit of absolute bipartisanship, although with some caution on aspects of the minister's involvement. I support the intent of what has already been outlined and I am sure we all understand that South Australia's future depends on our deliberations.

Ms CHAPMAN (Bragg): I am reminded in this debate of the adage 'Wine is for drinking and water is for fighting over.' I sincerely hope that in future discussions in this chamber it will not get to that stage. I think it is fair to say from the contributions already made that there is a genuine concern for the future of water use in this state. That is hardly surprising, as we are the driest state in the driest continent. It is somewhat surprising to me that it has taken so long for us to seriously address such issues as the River Murray and water conservation practices as are particularly relevant to this bill. There is no doubt that sustainable use and management of water is critical to our state's development and prosperity and to the conservation of the natural ecosystems and wildlife.

I note that the government acknowledges the previous government's support in the past through legislation to implement systems to manage our state water resource, which is necessary to safeguard and minimise the detrimental effects on water use and management. Much has been said about the current drought circumstances that the state and, indeed, the whole country have been facing—the harshest in recorded history—and it is probably surprising that only parts of Australia and very few parts of South Australia have suffered water restrictions to date.

There are direct consequences for us in South Australia as a result of this state's entitlement in the River Murray being reduced to only 1 850 gigalitres per annum. Such reduced volumes of water over a sustained period have had some devastating effects, the most striking of course being the restricted flow now in the Murray Mouth. All of these circumstances have produced the situation where our water resource availability in the 2003-04 year is at a very serious level. Clearly, all South Australians should undertake some responsibility and look at the situation with some wisdom, not only for our own preservation but also to ensure that future generations do not perish through lack of action on our part.

The government, however, in this bill proposes continuous and permanent control, and I accept that it brings it to the house in a wave of public sympathy and support, and that is probably why there is a reflection in all the contributions tonight of general support for the intent of the bill. The concern, however, that I simply wish to record is that this bill has been brought to the parliament in haste and there is an issue which I think could have been dealt with a year ago: nevertheless, its haste does bring into question the capacity for us to ensure that there will be an equitable sharing of both the restriction and the responsibility of this issue across the state.

Notably, in contributions already made tonight, irrigators, particularly those who take water from the River Murray, are likely to be significantly at risk of a harsh percentage-across-the-board restriction which will impact heavily upon them—I suggest, unfairly. Others have presented a use-on-a-volume-per-hectare basis which would perhaps more equitably deal with this. Importantly, it seems that the government is prepared to listen to the need for very clear consultation with those who will be severely affected and, hopefully, impose a fair restriction in light of that.

The limited life of legislation as an instrument of rescuing our water supply in this instance is one which again I understand the government has listened to carefully and will look at a 13-month regulatory restriction being imposed. I hope that I have heard the indications of the government correctly in that regard. It is certainly a matter which the opposition has brought to the attention of the government and which is imperative to be considered in this debate.

I point out that the bill has, clearly, the effect of introducing restriction, not only for water users of the River Murray and its tributaries but also users across the state. Quite clearly, there are large tracts of South Australia in the north, on the West Coast and on Kangaroo Island where there is no direct reliance on the River Murray for water but they, too, will be caught within the jurisdiction of what is proposed under this bill and can have restrictions imposed on them.

I do not think that any case has been made out for that application. Nevertheless, I note it and hope that there will not be any abuse of power in relation to those regions—which, to date, have managed and continue to carefully manage their limited water supplies for different reasons (usually because of the manner in which they gather it, whether it is from rainfall or an underground water source). They do not rely on the River Murray, yet they are being swept into the reforms proposed in this bill.

I am confident that my fellow residents within the electorate of Bragg are very mindful of this issue. I know from my own research in the electorate that they, too, have focused on the plight of the health of the River Murray and, indeed, on 10 June a forum is being convened in my electorate as a result of public demand to discuss issues regarding the River Murray, and state and federal representatives will be in attendance to listen to those discussions. It is an electorate which is not industrialised. Obviously, it is substantially a residential area and its consumption of water is substantially for personal and domestic use. Wasteful practices in the home, use of rainwater, and aspects that have

been canvassed by other speakers tonight (I will not dwell on them now but they include washing and toileting purposes) are just some areas at which people in my electorate are looking because they, too, wish to participate in the preservation of our water resource for the future.

Urban planning, garden uses and home design are all aspects which, at a broader level, are also significant. It is fair to say that, by virtue of the amendments proposed to the Waterworks Act 1932, which effectively will apply to customers of SA Water, this is a significant legislative reform which will have direct impact on the people whom I represent in the electorate of Bragg.

It is fair to say that people in my district have looked carefully at aspects of water management. They come within the area of responsibility of the Patawalonga and Torrens water catchment boards and they have benefited from their advice and management since their introduction. Those boards have become a very important part of the water management regime in this state that works towards protecting this precious resource.

Within this area we are also looking at how we might better manage the excess surface and floodwaters that rush down across the electorate of Bragg. Of course, they have the potential of flooding other suburban areas, but these are all areas that we are looking at carefully. Whether ultimately we try to catch and reuse water underground, whether it is under parklands or through the Victoria Park Racecourse and into the Torrens (whatever the options are), these are ideas that need careful consideration to ensure that we all group together to assist in the difficulties that face us for the future.

I am mindful of the fact that I have come from a community that has been heavily reliant on rainwater. The annual catch from roofs of dwellings and sheds has been the lifeblood, necessarily stored in tanks and the like, to provide for domestic and stock use, and human consumption. That is supplemented by dam water, fed by springs in the creeks. Access to running water and regular supply thereof is something of a privilege in the area where I grew up. Some would say, 'Well, at least you get it for free.' It is not free in the sense of the tanks and infrastructure that are necessary to maintain water supply for use in those circumstances, but, in any event, if the use is excessive, we clearly pay the price. As soon as you start to run out of rainwater, you are reminded of how hard and cloudy, albeit tasty, dam water can be.

When I am considering the restriction, I am always soberly reminded of the recycling of bath water when I was an infant, and, if you are third or fourth in the bath water, you have a pretty clear understanding of the need to preserve water, whether it is recycled from dishwashing to garden, or otherwise.

These are important historical aspects which I think many South Australians, in both metropolitan and rural communities, clearly understand. We are all prepared to work towards a fair management of water in the future. Future resources of water may be explored. In 20 years' time we may be debating nuclear desalinisation of underground water, which is not useful to us at present, or we may be enjoying the fruits of our work at this time in securing the health of the River Murray and still heavily relying on that resource. That is yet to be seen.

I am strongly of the view that, while we have been discussing the River Murray, whatever we do in relation to future water resources for our state, we have a very clear obligation to clean up the River Murray and ensure that it is restored to the health that it has previously enjoyed, so that it will be a resource for the future, not just for our future but for future generations.

I support the intent of the bill. I will strongly support the amendment to ensure that imposition by this regulatory regime is for a limited period. I am concerned about the necessity for its application on a statewide basis. I understand the principle of ensuring that there be equitable responsibility in sharing this and, accordingly, they are the matters that I will raise again in committee.

The Hon. R.B. SUCH (Fisher): This is an important issue and I want to canvass a few points. I support the bill, and there would be few people who would oppose its general intent, because it is a bit like motherhood. What we need in the current situation and into the future is not an hysterical or overreaction but cool, calm, rational analysis and response to a challenging situation in respect of our water usage. In a way, it has always been the case in Australia, certainly since European settlement, that our fate and our wellbeing have depended very much on the way in which we have used and continue to use water.

I would argue that, if you want to conserve water, you reflect that in its price. It is never popular for politicians to advocate an increase in the price of anything, but price does send a signal in terms of the way in which a resource is used. If we are honest, we would have to say that, in many respects, water is too cheap. That leads to inefficient use and wastage. If we look at some of our regions, whether it is conventional reticulated water or water drawn from aquifers, we see that the price of the water is often set unrealistically, and far below what should be a true reflection of cost or value.

If we use a price as a way of minimising waste and getting greater conservation, we would need to do something for the less well off, because a simple price system would cause hardship to people on low incomes and fixed incomes, so there would have to be some offsetting mechanism.

In terms of education, we have gone backwards in many ways. When I was young, which was a while ago now, it was drummed into us not to waste a single drop of water, but I have to say (and I am not picking on young people) that some of my nieces and nephews take very lengthy showers and do not seem to have any understanding or concern about the amount of water they use. That is completely contrary to what was drummed into us as kids. Our generation must accept responsibility for not passing on that message about not wasting water and making the usage of water efficient and effective.

We often hear people talking about stormwater going into the ocean as being wasted. If we think of it in ecological terms, that is an absolute nonsense. There is no waste in any absolute sense. If you take the example of the east coast of Australia, there would not be much of a prawn population or a lot of other marine life if there was no recharge, in effect, from the river systems feeding into the ocean. Some of the notions that are put around are simplistic and do not make a lot of sense.

We have allowed our riparian systems to be clogged and damaged. Hawthorndene in the Adelaide Hills, where I grew up, looks more like Europe than Australia, and I am hoping that Captain Cook will reappear and rediscover Australia, because it is hidden under hawthorn ash, olive and a whole lot of other things. There are almost no native shrubs left along our creek lines in many parts of the Hills. So, understanding water has to go beyond looking at a tap and hoping that something will come out of the end of it. We need to

have a more holistic approach to the issue of water and an understanding of the interrelationship of the various aspects of riverine and related systems.

We had a phase 20 years ago where many people went into growing native plants. That has now declined a bit in emphasis. Some people planted the wrong types of native plants and now find they have a monster next to the bedroom window—and it is not the humankind. We need to go back to encouraging planting of appropriate species, preferably ones that are genuinely indigenous to a location. Grabbing something from Queensland may not be appropriate for planting in the suburbs of Adelaide. Many people would say that it will not make a big difference, but it does show a commitment and reflect, if the plants chosen are appropriate, a desire to use less water. Some people want to spend their money on watering huge expanses of lawn and in a market type society one would have to say that, if that is their choice, so be it, but one would have to ask why we still seem to have a commitment to trying to replicate Europe instead of accepting that we do not live in Europe. Not only do we live in Australia but we are of Australia, and that attitude needs to be reflected throughout the community. We may not have got that message across to the younger generation, and with people from other cultures and other lands we may need to do more in helping some of them understand the need to focus on Australian ecology.

Talking about our riverine systems, with programs to thin out some of the exotics—ash, hawthorn, and so on—many people get upset because they think all trees and shrubs are equal (but they are not) and that all green is good. They do not appreciate that many of the exotics come from cold weather climates and their leaf litter does tremendous damage in our riverine systems because our rivers have evolved to cope with warm weather plants. Councils and others who allow leaf litter from exotic plants to go into the Torrens or other systems are contributing significantly to the degradation of our riverine environments, as well as showing a lack of understanding of ecological principles. I am not totally against exotics—I have some fruit trees. We probably would not survive as a community if we did not have exotics of various kinds, but it is a question of balance.

This bill is a step in the right direction. Adelaide in particular has been insulated with respect to water restrictions for a long time because we have been able to rely on the Murray. When the Murray goes kaput and we do not get heavy rain in the Hills, we are in trouble. Usually we have had one of those avenues open to us in terms of water supply. However, we could do a lot in terms of our reservoir systems and minimising evaporation. The amount of water to be saved with some of these provisions will probably be less than we could save if we minimised evaporation from some of our reservoir systems by various modern-day technological approaches.

I commend the bill and trust that it will be based on science and rationality rather than on hysteria and a short, sharp fix, when really we need a long-term approach based on education and ensuring that all Australians, young and old, understand the importance of water and its essential nature in terms of our future quality of life and survival in this great land of ours. I support the bill and trust that it will receive a speedy passage through the house.

Mr MEIER (Goyder): I appreciate the need for this bill. I do not know that it has my full support as I feel that some of the actions that will be carried out under this measure are occurring because of lack of action in earlier times. Be that as it may, I will be voting for it. It became clear to me back in 1982 where the problem was, when I had the privilege of flying over the River Murray in a small plane: clearly, it was in irrigation areas. As we flew between Victoria and New South Wales and the closer we got to the Hume Reservoir the more water literally disappeared out of the river. A massive amount was being sucked out and I knew back in 1982 that irrigation was destroying the River Murray. It was very clear and you did not need any more evidence than was gained by flying over it. I am sure that any satellite photographs we analysed back to 1975 through to today would show that irrigation has gone wild and something has to be done.

The minister has decided to target South Australian irrigators, and I feel for those who have undertaken to be efficient in the past few years with drip irrigation and now will be penalised further with another 20 per cent reduction. They will not be able to do this and will suffer as a result. That situation cannot continue indefinitely when people interstate are flood irrigating without any concerns and other governments are not doing what they should be doing.

With regard to measures taken for us as citizens, the minister knows, as we all know, that it will hardly do a thing. Statistics show that if all the metropolitan area has water restrictions for the whole of the summer, as will be the case, that will be equivalent to half a day's evaporation from the River Murray. Let us exaggerate and double it (let us say that I am out by 100 per cent) and say that water restrictions are equivalent to one day's evaporation from the River Murray. It will do nothing—let us be honest. It is simply a token gesture and something I find very hard to support when I know full well that it will not do a thing for the amount of water coming down the Murray, as it is equivalent to only half or one day's evaporation.

Yorke Peninsula has a huge problem with the amount of water being used and it is high time the government looked to alternative water supplies. Desalination has to be undertaken without question. It is operating on Kangaroo Island. Maybe it will burn out a few water heaters, but I am sure we can overcome that without too much trouble and with decent elements. Yorke Peninsula and Eyre Peninsula are surrounded by water, and we have potential answers in this respect. If you link wind power in with desalination you have the answers. The wind power people in my electorate say they will be able to work hand in glove with desalination. Let us make sure that the government does everything it can. Is there anything in this bill to promote wind power and desalination? No, not a thing! It is simply a stop-gap measure and I question how much it will help South Australia.

Further, the whole issue of water conservation comes into question. I had some statistics done to see what the washing machine manufacturers are doing about water conservation. About 15 or 20 years ago the Hoover washing machine we bought, an 8 or 9 kilogram version, had a suds-save option so that we could save the water on each wash. It must have saved a huge amount of water, particularly with our three children, starting from the nappy stage and going right through their childhood.

About four years ago, we bought a new washing machine. Again, it was a Hoover—we had had a good run out of Hoover. When we brought it home, I sought to connect the suds save option to the wash trough. And guess what? There is no suds save option on the Hoover that we bought, and I think we bought the nearest to the top of the line. I have had some research undertaken, and it revealed that only Hoover

machines over 8 kilograms have such an option. With ours, we did not even have an option. I think that is because it is now Electrolux, Hoover and Simpson. Obviously, the Hoover machines did not have the option: Electrolux or Simpson might have a version that is now available. One model in the Whirlpool top loading range has a suds save option—so, they are only for the wealthy. Hoover, likewise, is only for the wealthy. Fisher & Paykel used to have a suds save option, but now it has a so-called new machine that has a water save option. It is claimed that it uses 35 per cent less water during the rinse cycle. It is not doing what the old machines did. Miele is certainly a recognised range, but none of its machines has a suds save option. Kleenmaid has a number of models that have a suds save option. So, I will give 10 out of 10 to Kleenmaid. Surely the government should be introducing legislation at least to make sure that these washing machine manufacturers provide the suds save option. It is so obvious. They had it in earlier years, and they have now got rid of it. It is available only in their top range models, so only the wealthy can afford it, and the ordinary citizen will, unfortunately, waste water.

Also, we must learn to give up on the River Murray. I have mentioned desalination, and I have mentioned the need for wind power in conjunction with desalination. Let us look at what the Western Australian government announced in its budget a few weeks ago. On 8 May, the Deputy Premier and the Minister for Energy made various announcements. The government is spending $7 million to finish work on the Samson Brook Dam outside Waroona. It completes the $103 million drought response program initiated by the Western Australian government in the past two years, to provide an additional 44 gigalitres of water annually for the integrated water supply system serving Mandurah, Perth and the gold fields and agricultural areas. So, they will get an extra 44 gigalitres from this dam. Some $7.7 million is allocated for a new water reservoir in Kalgoorlie-Boulder. This work will start in the new financial year to increase Kalgoorlie-Boulder's water storage capacity to 880 000 kilolitres. The government is contributing $18 million in the next financial year to Australia's biggest water recycling plant of its type in Kwinana. This plant, which is capable of processing 5 million kilolitres of recycled water per year, will enable waste water from Woodman Point to be treated to a quality suitable for reuse by major local industry.

What sort of announcements have we had in the last 12 to 15 months? Absolutely nothing. We are relying on the darn River Murray. I say: let us get away from the Murray and let us have the proper water type projects that we need. We should look at new reservoirs and look at our desalination plants. And, for heaven's sake, we should do something else to acquire a new water supply, because what we are doing will not help in the long run. It will certainly penalise metropolitan citizens, and also our irrigators. This is a stopgap measure. I will support it simply because it is a nice, feel good measure, and that is all it is. It will not save any water, as I said: it will save half a day's evaporation for metropolitan users, and that is it. But let us get on with some real action—and I hope that we see some real action tomorrow in the budget.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): The bill before us needs to be seen very carefully in terms of the principal act. Of course, a lot of attention has been given to the shortage of water in the River Murray and the restrictions that will apply for the next 12 months. The powers to impose those restrictions with respect to the amount of water taken from the River Murray already exist in the original act. Powers that SA Water has to impose restrictions on those who use SA Water supplies are already provided in the act. There are others who do not take their water out of either the SA Water supply or out of the River Murray, and this bill starts to give significant powers to the government to place further restrictions on the water that those people take.

The new area with respect to this bill is that it gives powers with respect to how water is used. So, there is the issue that we, as a community, have traditionally thought about in terms of what water is taken, and those powers of restriction already apply regarding what one can largely take—not entirely, but to a fair degree. The bill before us does, in fact, further refine those powers on what one can take. But what this bill does for the first time is to impose right across the state on all water use, regardless of where the water comes from, very significant, new powers regarding how one uses that water—for example, whether one is allowed to irrigate during the day; or whether one can wash one's car with the water. Even if someone had a 4 million gallon dam, or a 40 million litre dam, it will still place restrictions on how they can use that water. If someone has enormous supplies of underground water, or something like that, or other surface water that is generated from their property, this measure will give powers to the government to dictate for the first time regarding the use of that water.

In that regard, there are both long-term water conservation measures that the government is looking at and short-term emergency measures. The long-term conservation measures are designed to better the use of the water resource within our state. The short-term measures are designed to cope with the shortage of water, for instance, because of a drought year or the shortage of water coming down the River Murray at present. I think people have to understand that context and recognise the fact that the minister already has the power, under existing legislation, to restrict the volume of water that someone would take out of the River Murray, where most of the focus has been.

I want to comment, though, on that point. Before the minister uses those powers, there is a huge obligation on him to consult with appropriate representatives of various water users within the state. One issue where there is no appropriate recognition at this stage is the need for that consultation. Last night at Goolwa I talked to a group of irrigators from the River Murray and I made that point, and also the point that that requirement to consult with irrigators, or representatives of irrigators (because you will not be able to consult with every one of them), is not provided in either the present bill or the principal act. They certainly applauded that and urged me to make sure that there was a requirement that that does take place. I have severe reservations about the speed with which this legislation is being rushed through parliament. This is very profound, in terms of a government's coming in for the first time and having the right to dictate how one uses the water—not what water one may have to use, but how one uses that water—and to get down to a personal basis for everyone within the state.

This legislation was introduced into the parliament only yesterday. There was no usual period of its lying on the table for one week. I understand that cabinet considered this measure only on Monday morning, and here we are on Wednesday night having to debate it and put it through the House of Assembly. I believe that such a profound change in

the policy of government in this state deserves more than just two days (yesterday and today) for this parliament to see the legislation and decide the appropriate type of legislation and the further amendments that ought to be made. So, I have grave reservations about the bill going through this house in such a rush. The opposition will be putting forward some amendments. Those amendments have been drafted under enormous pressure and, although I do not want to talk about the specific amendments, I believe that they need to be further refined before this legislation is passed by the upper house.

I make a final plea in terms of my own electorate. I represent the lower reaches of the River Murray and a chunk of Lake Alexandrina, and I know that the Speaker represents an adjoining area, particularly including Lake Alexandrina and other lower reaches of the River Murray running up through Murray Bridge. I know that members represent other areas bordering on the lake. I have enormous concerns about what the next 12 months holds for my area in terms of irrigation. I know that during February, March and April, when they were irrigating, many of these people needed to have someone manning the valves at the bottom of the pump or the screens where they were pumping all the time they were operating. In fact, I met one irrigator who had to have two people removing the debris from the sieves to prevent clogging as the water was moving into the pump. Another irrigator found that they had to turn off the pump every hour or half hour so that they could clean both the filters and the screens at the foot of the pipe taking the water into the pump.

All the estimates point to the water level over the next 12 months dropping further from somewhere between 200 and 350 gigalitres in Lake Alexandrina and the lower reaches of the River Murray. That has very significant ramifications not only in terms of worrying about the quality of the water available for irrigation but also in terms of whether water will be available for irrigation next February, March and April. Some people have had to dig channels to help run the water into the foot valves for their pumps, and others might need to move their pumps to gain access to the water. Some of this may involve earthworks, and I know that the EPA has been very slow indeed to give approvals, because they are saying that anything that moves more than 9 cubic metres as part of the excavation requires a development application and full EPA assessment. I have just dealt with one case which I raised in this house earlier this week where it has taken three months to get that approval. That is too long, because within a three-month period major crops could die if those people cannot access water for irrigation.

I have grave concerns for the people in my electorate who have to rely on water out of that lake and the River Murray over the next 12 months, and I know they share those concerns. That is why there needs to be full consultation. Another issue involves whether the water levels upstream above Lock 1 should be lowered to put additional water lower down the river below Lock 1 so that sufficient water is available. While we are restricted in the amount of water that can be taken, it is possible to push the water down the river and raise the level in the lake and the lower reaches of the river—by lowering the level upriver slightly but not below a certain level where they cannot use the water higher up the river system. In fact, I have asked the minister to look at that option.

I intend to support the bill and the amendments to it, but I highlight my severe reservations. I support some of the points raised by the member for Goyder about washing machines using sud savers, etc. There are many things that we can do to conserve water more effectively, and I am a great advocate of that. However, I have severe reservations when it comes to giving government almost unlimited powers to tell people how to use the water to which they are legally entitled and, ultimately, even telling us what crops can and cannot be grown, or how those crops should be cultivated. That is not what our system of democracy is about; that is not what our system of free enterprise is about. What it is about is the responsible use of water and individuals being able to make their own decisions.

I will monitor this measure very carefully indeed, and I expect to examine any regulations to ensure they do not have an adverse effect on irrigators within the state or on a reasonable lifestyle for people living in the suburban areas.

Mrs PENFOLD (Flinders): I support the bill with some reservations. Most South Australians have always been aware of the necessity to care for our water supplies, but none more so than those in the country, especially in my electorate of Flinders, which covers Eyre Peninsula. My electorate has been under very strict water restrictions over the last summer under the existing powers of the minister.

I am particularly proud of the work that schools, councils and the community are doing in the conservation of water, work that began well before the water restrictions were put in place. The emphasis of their work is on the reuse of effluent water and the efficient use of stormwater.

I was privileged to open the Cummins Area School's project that will save the region's water supply about 10 million litres a year. A dam, which was constructed in two weeks using mostly volunteer labour, machinery and fuel, collects stormwater that would otherwise go to waste. The water is then used to irrigate the school's agricultural block and the school oval. Principal Chris Deslandes said that the Cummins recreation centre and bowls club dams served as a model for the school, and he hoped that the school's system would be seen as a model of good environmental practice for other places.

Elliston and Streaky Bay Area Schools are undertaking exciting projects in the reuse of stormwater. Elliston Area School obtained an ecologically sustainable development grant to rejuvenate Samphire Swamp, which is located near the township. The stormwater is cleaned and reused by the school. Elliston District Council contributed significantly to the success of this project. Streaky Bay Area School also obtained an ecologically sustainable development grant towards the cost of setting up a wetland and stormwater project to alleviate water shortages in their local community. Generous support came from the Streaky Bay District Council and the community for this project. School projects are linked to the curriculum to add to student learning outcomes and action.

About five years ago, a committee was established to begin planning a comprehensive strategy for the preservation, management and distribution of water resources on Eyre Peninsula. The committee's responsibilities included the preparation of water allocation plans for the groundwater resources in the southern basins and Musgrave prescribed wells areas. It is a tribute to the capability of the committee members that these plans were adopted on 31 December 2000 and 2 January 2001 respectively. A major reason for the committee's success was its method of working with the community to ensure that the water resources were managed sustainably and equitably. The committee linked the

community, government agencies, industries, organisations and other water resource groups.

The committee looked at setting up a water master plan to ensure that the use and management of the Eyre Peninsula's water resources sustained the physical, economic and social wellbeing of the people while protecting water dependent ecosystems and the needs of future generations. I commend Newton Luscombe for his leadership of the committee, and members Fred Gerschwitz, Helen Mahar, Bill Nosworthy, Robin Dixon-Thompson, Ross Pope and Scott Evans from the Department of Water Resources for their work.

This committee was automatically disbanded with the establishment of the Eyre Peninsula Catchment Water Management Board. The Presiding Member of the board, Wayne Cornish, board members and the then general manager, Geoff Rayson, worked tirelessly with the community to ensure that all aspects of water management on Eyre Peninsula were addressed.

A holistic approach to water supply is essential for continued good management to meet current and future challenges. With this in mind, the Eyre Peninsula Water Management Supply Master Plan was put in place to identify both immediate and future water needs for the region. The master plan was prepared by United Utilities and SA Water. It considered options such as desalination plants, development of new bore fields, effluent reuse, recharging of aquifers and extension of the existing water supply network.

We live in exciting times, when we consider all the possibilities and options that can be developed to produce a reliable water supply. We are on the threshold of the birth of wind power as a local industry. This has the potential to tie in with cheaper desalination in off peak power periods.

I was alarmed when SA Water indicated that there would be no more new commercial, industrial or housing water allocations on Eyre Peninsula without increased allocations from the underground basins. The Catchment Water Management Board expressed concern that, unless there was a much higher than average ground water recharge, there was a likelihood that SA Water would not have enough water to meet consumer demands for public water supply throughout Eyre Peninsula. In Port Lincoln alone, four major developments were put in jeopardy, along with some 1 000 subdivisions, and horticulture and marine developments on the rest of Eyre Peninsula which are potentially worth millions of dollars. A number of localities in the electorate are already constrained in development because of insufficient water supply.

Linking Eyre Peninsula to the River Murray has been mentioned on a number of occasions. However, I seriously doubt that this would be accepted, given the well publicised problems facing the Murray. Private enterprise investors are interested in providing needed desalination plants, and the government must facilitate their involvement as quickly as possible, or undertake to provide this infrastructure via SA Water.

At a cabinet meeting in Port Lincoln in September last year, a public-private partnership (PPP) was announced by the Minister for Government Enterprises to provide a $32 million desalination plant for Eyre Peninsula. However, with the pressure from the unions against PPPs, I am concerned that this promise may not fulfilled.

The solution is simple: the government simply has to put out a tender for private enterprise to provide the water requirements of Eyre Peninsula at a reasonable price. Let private enterprise take the risks and decide where this desalination plant, or plants, is to be located—one may be near Port Lincoln, one near Ceduna, and perhaps one may be at Streaky Bay, or even Elliston.

With the first wind farm near Sleaford, it may be that this is the place for desalination of sea water using off peak power from the grid. The existing pipes and pumping stations are nearby, and an underground aquifer could be used for storage until the water is needed, if there is an excess that pipes and pumping systems cannot cope with.

A paper on the economics of desalination by Winter, Pannell and McCann from the University of Western Australia in January 2002 stated that the current reported costs of desalinated water fall within the range of 80¢ per kilolitre to $2.10 per kilolitre. Many of the sources used by the authors were dated in the 1980s, and the industry has moved on considerably since then. The authors identified energy as one of the principal determinants (if not the principal determinant) of final cost. With desalination plants sited adjacent to wind farms, or included in the original design and establishment, power costs would be minimised.

Desalination of sea water is being used extensively in many countries across the world, such as Israel and Cyprus, and the state of California. In Israel, which relies heavily on desalinated water, the price of desalinated water has fallen by more than 100 per cent over a decade. Plants being used 'would involve extremely advanced reverse osmosis technology which would use pure sea water as well as brackish water'.

It is claimed that desalination will count for half of Israel's urban water by 2008. Cyprus desalinates sea water using a reverse osmosis process. The first plant started in 1997 (six years ago), and the island now has three operational plants.

This government must address the critical state of water supplies for all South Australians, and there is a community service obligation to supply water at the same price as the rest of South Australia for those people living on Eyre Peninsula to help unlock the fabulous potential of this wonderful region of our state.

The SPEAKER: The honourable member for Hartley.

Members interjecting:

The SPEAKER: Order! If someone wants an early minute, I will oblige. The honourable member for Hartley has the call.

Mr SCALZI (Hartley): Thank you, Mr Speaker. I will be brief, because many aspects of the bill have already been covered. I support this bill. It is a very important measure to reduce water usage and irrigation by 20 per cent and to put in place restrictions in the metropolitan area. We all know that water is a precious resource, and we must try to conserve it.

I agree with the recent article written by Tony Baker in which he said that this government is in danger of having the 'shalt not' mentality. If we concentrate on what we shall not do (and I agree that we must conserve water) and forget about the other responsibility of water creation, we will have only short-term solutions. As the member for Goyder has pointed out, if we save only one day or half a day's water for a year of evaporation, that is a lot of perspiration for a little saving in evaporation.

I believe that, in some ways, this government has a puddle mentality, that is, someone goes to a puddle and says, 'How are we going to conserve this?' but someone else may say,

'We must conserve that water, but we must look for new puddles.' If demand increases on water, it is not good enough to limit what you have and merely worry about how you will distribute it. You must find ways to create more opportunities.

Members have already talked about wind power and desalination, and I will not repeat those comments. However, rather than simply imposing restrictions on our water and our lifestyle for a lot of pain and very little gain, we must think creatively about how to deal with these problems in the future.

In addition to this bill, the government should introduce a Statutes Amendment (Water Creation Practices) Bill. Unless that is done, we will be dealing with the same circulation of water—that is, in economic terms, when we spend less, we save more and, with a negative multiplier, ultimately, you will end up with less.

This is the same principle as simply concentrating on the water that you have, and we all know the problems that we have with the River Murray. We have to deal with them, and this measure is an important step in that direction. Not only must we educate, but we must create opportunities that will enable us to deal not only with today's problems but also with the demands of tomorrow to increase economic growth. This demand in growth must be satisfied with an adequate water supply, and we cannot rely just on what we have today.

The Hon. J.D. HILL (Minister for Environment and Conservation): I will not speak at length now, but will exercise my right to do so at the committee stage. I thank all members who participated in the debate. It is clear that there is a strong level of support for what the government is intending to do. There are questions, obviously, about how we are doing it. During the debate I have had consultation with a number of members from the opposition and the Independents about amendments to the government's bill. I think that we are getting close to reaching agreement about what those amendments ought to be and, without going through the arguments now, because I am mindful that it is 11.40 p.m., I am happy to address some of those circumstances tomorrow during committee.

I commend the bill to the house. I thank the opposition for allowing us to debate this bill in a rapid way. It was introduced only yesterday, and I thank members opposite for their cooperation.

Bill read a second time.

The SPEAKER: Before proceeding to the next item of business, there are some remarks I wish to make for the usual reasons. The water conservation practices bill is what, I am sure, this measure will become known as. I am equally sure that it will be of historical significance. The necessity for it is applauded by me; however, the haste is not. It may not be necessary for us to give passage to it in the next 24 hours or so. It may well be that, as legislators, we see it as prudent to come back to the matter in the week after the budget has been passed through the chamber.

I say that deliberately for the same reasons as were mentioned in the remarks by the honourable member, the Deputy Leader of the Opposition. It is creating new powers about how water is used and sets a precedent in that respect. The community itself may at the moment well understand the intention to use those powers in circumstances of peril. It is certainly a serious situation and, I believe, more serious than warrants a description of simply saying 'concern'. We are in peril if it does not rain, and there are various predictions about the likelihood of average, above average or below average rains in the relevant latitudes that will determine the fate of the state of South Australia during the next 12 months, in terms of the amount of water caught from that rain and diverted from its natural course to the sea into storage and ultimate use by us as a society.

We are in peril. However, to legislate in haste and establish principles of great moment about the power a government should or could have over behaviour of its citizens and their access to commodities that hitherto they have taken for granted is dangerous if it does not receive the level of scrutiny that I believe it deserves. Hard cases make bad laws. We are confronted by a hard case. I have some general concerns about the remarks that have been made by other members, and I do not wish to repeat their arguments.

Personally, I strongly support the notion that further examination of penalty, for instance, on the amount of water that is transferred, if a licence, once secured (in that it is properly metered) is then sold from some location downstream to a location much further upstream, where it involves greater environmental risk, particularly of the mobilisation of surface aquifer or sub-surface aquifer salt. Such a consequence ought to be part of our deliberations. Let me make it plain. Water diverted in an area downstream from, say, Murray Bridge onto grounds, say, less than 10 metres above sea level, that is, pond level of the lakes and the river below Lock 1, will create very little, if any, risk of damage to the quality of water in the entire system by the movement of salt or nutrients into the system.

However, if that same licence to withdraw the water from the river is transferred upstream to somewhere in an elevation more than 30 metres and up to 60 metres above sea level, as is possible, it will most certainly contribute to a bigger problem—and a much more costly problem in the public domain—in dealing with the salt and other problems that are created by the use of the water in that new location. Conversely, if you are shifting the water away from those locations where it will create the greater problem to the area where it is less likely to create the problem, you are solving, it seems to me, such problems.

I do not think there has been adequate time for us to debate those measures that might be more properly the domain of parliament's deliberations than that of the bureaucracy advising a minister. I am attracted to the good commonsense and sound administration of former premier Steele Hall, and recent articles about what was achieved in those negotiations by him have drawn attention to the historical fact of his outstanding achievements. They have saved this state in its present dilemma in no small measure because the power of veto resides in the hands of this state.

I regard the proposition to transfer the power to regulate the flows in the Murray-Darling system from the states and the Murray-Darling Commission to the commonwealth as little more than popular posturing at best and foolishly inane in all probability, to the point where it would be more likely to destroy the system and this state than any other alternative course of action, including the alternative of 'do nothing'. If we allow the power, as this bill does, simply to regulate without further reference to the parliament about the manner in which water is to be used, even in these dire circumstances that in prospect now confront us, there most definitely needs to be sunset clauses.

Private conversations I have had with the minister in recent hours give me cause for some reassurance. However,

I believe that, where it is possible, we should also aim to put statute law in place rather than leave the prerogative to regulate in the hands of some agency or person outside the direct control of the parliament, even though they may ultimately be answerable to the parliament through the agency of the minister. It is more desirable, in my judgment, to legislate rather than attempt to exercise power by just simply regulating.

I share the concerns of the member for Morialta in the remarks which she made about the problems that confront us. The honourable member put them with deliberate and careful consideration and in a measured manner that I found most refreshing, and I will not delay the house by repeating them. Remarks that have been made by other members about the necessity to conserve water and/or rely upon alternative technologies are remarks that need to be taken by the bureaucracy more seriously than they ever have been in the past.

There is no question about the fact that the cost of shifting water from the Murray to many of the communities which presently rely upon it is far greater than the contemporary alternative cost of using such other technologies as are now available to us, such as the South Australian patented solar still, which has no moving parts in it whatever and which exceeds the most efficient reverse osmosis technology anywhere in the world by more than double, yet the capital cost is less than a tenth.

I state at this point that I am presently in negotiation and discussion with the owners of those patents and may ultimately have some ownership of them. In my subjective fashion, can I simply say that that may appear to be a conflict of interest but it will be done more for the sake of posterity, and I trust others will judge it as being exercised philanthropically rather than for the sake of exploitation. Such technologies, though, ought not to be overlooked, and the member for Flinders drew attention to them, as did other members.

I am personally on the record, and I repeat my belief on the next point I wish to make, that to provide water licences—that is, the right to divert water from its natural locations, whether from aquifers or from the surface, as perpetual property rights—has always been wrong. It does not allow the government to take into consideration changes that may occur not only in climate but also through earthquake in the availability of that water, and it gives the mistaken impression to the owner that they can have the government create for them an item of wealth, such as is the case also similarly with fishing licences and taxi plate licences of the kind.

I move on to the next point and make it clear that I do not believe that government ought to restrict and attempt to modify the use that has to be made of water, whether from underground or from surface sources, or for stock and domestic purposes, whether that is stock which are travelling, such as cattle and sheep, or stock which are sedentary (grazing) and needing to drink. That is a natural practice and well rooted in common law to such an extent that an attempt to modify it otherwise is ill-advised in this heated context. I would want the record to show that I at least was concerned about the possible prospect of people being, if a government chose to make it so, prosecuted for allowing their cows to drink where Her Majesty's kangaroos were nonetheless left freely and without restriction to do likewise.

Water availability is a serious matter and, whereas a good measure of the concern which motivated our focus upon this problem arose out of images of the blockages in the Murray Mouth and the things which flowed from it, we can, nonetheless, avoid many of those adverse consequences in the long term by looking again, sensibly, at the establishment of another weir at Wellington—a thing I have mentioned before and will not go over in detail again. If it were in place now, our dilemma would be nowhere near as serious, if serious at all, since we would have at our disposal more than 700 additional gigalitres of water a year that are otherwise lost from evaporation from the surface of the lakes.

The fact that the Mouth of the Murray has blocked would no longer be a problem, neither in the context of where the water would run from the lakes to the sea nor in the context of where the water would run from the Coorong to the sea, since the Coorong could also have greater quantities of drainage water diverted to it and a regulator the same as exists in the West Lakes system to keep it clean, free and open of the sand which otherwise fouls the movement of that water and fouls all the saline water that is in the Coorong southward from that point, to such an extent that it ultimately will destroy the ecosystems which have been there since European settlement and which have been modified over the last 50 years. My experience of that goes back almost 50 years to the mid 1950s.

The last thing I want to talk about, and in no great detail, is the prospect of a build-own-operate transfer tunnel through the Adelaide Hills which could take the overburden and create a bigger, sounder, safer reservoir on the eastern slopes in the Nairne Creek and its tributary, provide us with access through the Hills at no great cost—certainly for road traffic on a tollway, if not rail traffic likewise—and, more particularly, provide us with the means by which we would no longer have to pump water using fossil fuels as a source of energy to do it from the Murray to the Adelaide metropolitan area, because it could be pumped from wind power sources when the grid did not require the electricity generated from that wind power, stored in that reservoir and run beneath the surface of the road through those tunnels into the reservoirs at Stonyfell, where the western portal of the tunnel could be located.

Notwithstanding the anxieties that may cause some South Australians who happen to live in the near vicinity in the eastern suburbs, it is ridiculous for us to contemplate solutions, and only those solutions, in which no-one feels discomfort, and just because no other location would otherwise be possible does not mean that the people who happen to live there cannot, through consultation and proper compensation, be satisfied that the greater public interest is best served by such projects than to be ignored simply because they object in great number and in loud tones. I thank the house for its attention. I wish the measure careful and deliberate consideration through the committee stage.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 11.59 p.m. the house adjourned until Thursday 29 May at 10.30 a.m.