HOUSE OF ASSEMBLY

Wednesday 18 February 2004

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

DISTINGUISHED VISITORS

The SPEAKER: I advise the house that a sister legislature has sent a delegation to South Australia, under the terms of an agreement signed by Speaker Oswald, of which I am sure all of you are aware. They have been delayed in Sydney and will be arriving later in the afternoon, at which time (approximately 4.30), subject to all things going according to the amended plan, the delegation will be ushered into the Speaker's Gallery and, in the usual way, the Premier and the Leader of the Opposition will be invited to escort the leader of the delegation, the equivalent of the Speaker of the legislative assembly, to the floor of this chamber, should they so wish and should it be the wish of the house for that to happen.

The delegation comes from the provincial legislature of Chungchongnam-do, which is a central western province in the Republic of Korea, on the Korean Peninsula. It is my belief that such delegations do a great deal to advance the understanding of other societies of what we do and achieve here in South Australia and enable us also to acquire some greater understanding of what they do and achieve and, in consequence, reinforce the rapidity with which our endeavours jointly advance civilisation on this planet.

NATURAL RESOURCES MANAGEMENT BOARDS

The Hon. G.M. GUNN (Stuart): I rise on a point of order. I draw to your attention, Mr Speaker, an advertisement which has appeared in the *City Messenger* on 11 February 2004 and in numerous other country newspapers around South Australia. It is headed: 'First call for nominations: members and presiding member, Regional and Natural Resources Management Boards.' The advertisement states:

> First nominations are sought from suitably skilled people to serve as members of regional Natural Resources Management (NRM) Boards in South Australia.
>
> Once enacted, the Natural Resources Management Act will establish regional boards. Roles, terms and conditions are subject to the passage. . .
>
> Under the Bill, the Governor will appoint a Presiding Member for each board and as a result nominees should indicate their willingness to take on this task.

It continues:

> Nominees are urged to read the Nominee Information Pack available from the address below.

This advertisement assumes that parliament will rubber stamp proposals which—

The Hon. J.D. HILL: I rise on a point of order.

Members interjecting:

The SPEAKER: Order! One point of order at a time. The member for Stuart has the call.

The Hon. G.M. GUNN: Thank you, Mr Speaker. I was explaining in my point of order that this advertisement assumes that the parliament will rubber stamp this and is holding the parliament in contempt. Therefore, I ask you to rule on whether this matter is appropriate. My second point in relation to the point of order is whether the parliament has approved the necessary funding for these particular advertisements to be placed in the newspapers, as the house has not yet agreed to any of these proposals. I point out that in my time in this house this is the first occasion in over 30 years that I have ever seen these sorts of advertisements placed in newspapers. I think that you, Mr Speaker, as the presiding member should protect the public against this sort of attitude by the government.

The SPEAKER: I will take the inquiry of the honourable member on notice and treat it with the seriousness with which I know he knows the words he has used deserve. At the earliest possible opportunity I will bring back a considered opinion. If, as he claims, there is a contempt then, of course, that is not a matter for the chair to decide but, rather, for a privileges committee to determine. The chair wishes to make no further remark on the matter at this point.

The Hon. J.D. HILL: I rise on a point of order, Mr Speaker. The claims that were made by the member for Stuart are based on his own analysis. They are not based on anything that is in that advertisement. Your decision and your comment are based on his misguided analysis of what the government is attempting to do in relation to this matter.

The SPEAKER: Order! Can I tell the honourable minister that not only does the member for Stuart and the Minister for Environment and Conservation but every other member—the whole 44—are always, when raising a point of order, doing so in what they, I am sure, regard as an objective analysis of what incident gives cause to their concern. However objective or subjective that may be in the opinion of others is of no consequence. It is the duty of the chair to then determine whether the matter to which attention has been drawn is cause for some further action on the face of it, the Latin being prima facie. The chair wishes to make no further remark on the matter until after it has had an opportunity to examine the material that the member for Stuart has referred to and the issues contingent upon that material which he raises.

NATURAL RESOURCES MANAGEMENT BILL

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

WALLAROO JETTY

A petition signed by 1 243 residents of South Australia, requesting the house to urge the government to make urgent representation to the Commonwealth Department of Transport and Regional Services to retain the current level 1 security rating at Wallaroo jetty, and ensure that the seaward end of the jetty remains open to the general public, was presented by Mr Meier.

Petition received.

LEARNER PERMIT REGULATIONS

A petition signed by 89 residents of South Australia, requesting the house to urge the government to immediately introduce a transition period for the new learner permit regulations to enable people having acquired their permits prior to 15 December 2003 to be exempt from the six month waiting period before a provisional licence can be obtained, was presented by Mrs Penfold.

Petition received.

SA CERTIFICATE OF EDUCTION, REVIEW

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: Today the Premier and I announce to the house that the state government will be reviewing the South Australian Certificate of Education, the SACE, to make it more relevant to year 11 and 12 students of the 21st century.

An honourable member interjecting:

The Hon. P.L. WHITE: You don't support it? This review will be the most significant reform of secondary schooling in South Australia in more than a decade. The SACE review panel will be chaired by Greg Crafter, former education minister and past president of the Council of Foundation of the International Baccalaureate organisation. To achieve a curriculum and assessment framework that will meet the diverse needs of all students and result in high and more socially equitable levels of retention, completion and pathways beyond school, the review will identify the characteristics of a relevant and contemporary certificate of education, develop procedures so that students, parents, teachers and employers understand the certification process, provide a mechanism that ensures the continuous improvement of the certificate of education so that it responds to the changing needs of young people and better supports the economic and social development of the state, and advise on requirements for legislative reform.

The SACE was introduced in 1992, but now the educational needs of students have changed. Research into school retention conducted by the government's Social Inclusion Board has found that many young people believe that school and what they learn in the SACE have little relevance to their futures. The Economic Development Board's Skills Inquiry has identified the importance of education and a skilled work force to the economy. To keep young people in school longer, school must be made more relevant to their lives, and industry and business want the Senior Secondary Certificate to be more relevant for them as well.

Many students now turn 18 while they are in year 12, and a large number are also mixing their study with part-time work and training. Thousands of young people drop out of high school each year. We know that boys are less likely than girls to complete year 12, and Aboriginal students and those living in poverty are even less likely to complete 12 years of education. To turn this around, young people must feel that years 11 and 12 have something to offer them regardless of whether they are planning to go on to further education, training or employment. The SACE review is part of the Labor government's commitment to ensuring all young people have the opportunity to achieve their potential. We know that adolescents who drop out of school early are at greater risk of ending up on welfare, in low-paid unskilled work or involved in petty crime. It is essential that we get the foundations of senior schooling right if the state government is to achieve its aim of getting more young South Australians to finish year 12.

Everything this government is focusing on—improvements to attendance, retention and literacy and numeracy rates—is related to getting the structure of senior school and the curriculum right. I want our Senior Secondary School Certificate to be relevant and contemporary—a certificate that provides our young people with the values, knowledge, skills and attitudes that can be the basis of their contribution to the social and economic capital of our state. This government has already made the first advancements by introducing the $28.4 million School Retention Action Plan. The SACE review is the next major step forward.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the report of the committee on regulations made under the Controlled Substances Act 1984, No. 172 of 2002.

Report received.

Mr HANNA: I bring up the 11th report of the committee.

Report received and read.

Mr HANNA: I bring up the 12th report of the committee.

Report received.

PUBLIC WORKS COMMITTEE

Mr CAICA (Colton): I bring up the 198th report of the committee on the Angaston Primary School redevelopment.

Report received and ordered to be published.

QUESTION TIME

HOLDFAST SHORES DEVELOPMENT

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Urban Development and Planning assure the house that an agreement does exist between the Holdfast Bay council and the developers of stage 2B of the Holdfast Shores project under which the council has a legal obligation to hand over the Magic Mountain site to the developer? Yesterday in answer to a question from the member for Morphett regarding the status of the Magic Mountain site, the minister stated that the government had no plans to acquire the site because acquisition was not necessary; and, further, 'the developer will be able to acquire pursuant to the terms of the arrangement they have with the council'.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): Yes, that is the legal advice.

RADIOACTIVE WASTE

Ms BEDFORD (Florey): My question is to the Minister for Environment and Conservation. What are the findings of a New South Wales parliamentary report into transportation and storage of nuclear waste? Does this report change the government's position on the proposed nuclear waste dump?

The SPEAKER: Order! The minister is not responsible for the nuclear or radioactive waste material of New South Wales. The question is out of order.

WOMEN, EMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Employment, Training and Further Education tell the house why, after having an unemployment rate equal to the national average at 6 per cent in July last year, South Australia's unemployment rate has now risen to 6.5 per cent while the national average has fallen to 5.6 per cent? Yesterday the minister told the house that 'globalisation' had caused South Australia to lose 12 000 full-time female jobs in a period when there was a large increase in

full-time female employment across Australia. During the same period the South Australian unemployment rate continued to deteriorate against a very strong national performance.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): It is quite apparent that there are cyclical changes in our employment sector that reflect changes across the country and the world. We are quite aware of the problems in our employment sector and, curiously enough, the problem is not about a lack of employment opportunities. One of the challenges that we face in this state is that people are not employed, because they lack skills. One of the large debates we have had over the last year involved an examination of the employment and industry sectors in order to recognise why, at a time when we had relatively low unemployment, there was still a shortage of staff for many employers in the IT sector, building industry, nursing, medical specialties and traineeships in a whole range of industries. One of the most extraordinary situations we face in South Australia, following on large industry sponsorships and investments by the previous government, is that we still had a situation where employment could not be finalised, because staff did not have the skills.

One of the major focuses of our employment strategy is to take people who are out of school, out of training and out of jobs and reconnect them. One of the major strategies of our government has been to encourage young people to stay at school. One of the major strategies has been to encourage people into the skilled areas. We have stopped giving employment subsidies and replaced them with skills and training. In fact, oddly enough—

Mr Brindal interjecting:

The Hon. J.D. LOMAX-SMITH: I must respond to that, because I am shocked that the member for Unley is unaware of the prerequisites for our major building industry traineeships and apprenticeships. They actually require numeracy and a level of literacy which would have been unthought of 30 years ago. They needs skills, and the reality is that, if you look at apprenticeships, they need high level maths. If you go to a TAFE institute, the level—

An honourable member interjecting:

The Hon. J.D. LOMAX-SMITH: Regrettably, time has moved on and the member for Unley has not noticed, but to get into an apprenticeship these days you have to have a level of employability that allows you to be literate and numerate. In fact, when I visit our TAFE institutes, I look at the standard of maths required of a fitter and turner and I am not surprised that the days when people left school at 13 have long since gone. The days when people left school at 15 have long since gone because, in the world of this century, there are no unskilled jobs. There are no unskilled jobs; you need attributes to be employable. If the member for Unley wants us to go back to the bad old days when kids left school at 13, then that is his policy and he can argue it.

The Hon. R.G. KERIN: I have an important supplementary question. If it is a lack of skills, why have 12 000 full-time women disappeared from the work force over the last eight months; and which industries are removing a large number of full-time employed women because of lack of skills?

The Hon. J.D. LOMAX-SMITH: Regrettably, I cannot predict the results that will be announced in the next two months because, as the Leader of the Opposition perhaps knows—

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. I did not ask the minister about the next two months, I asked what she has been doing in the last eight.

The Hon. J.D. LOMAX-SMITH: I am happy to explain and I will explain it slowly. The employment statistics come out every month. The raw data that comes out about employment sectors last came out in November, and we will have to wait until the raw data from the January figures comes out in at least a month's time.

RURAL INDEMNITY PACKAGE

Ms BREUER (Giles): My question is to the Minister for Health. What are the details of the rural indemnity package that has been offered to rural resident medical practitioners to ensure that essential medical services, including obstetrics, continue to be available in rural areas?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this question, which is of particular interest to all country members. I acknowledge your representations also, sir, concerning this matter.

This is good news for country health services. The government has collaborated with major medical groups and the insurance industry in brokering the deal on medical indemnity for South Australian rural doctors which will prove crucial for a sustainable work force of doctors in country areas. Under the new package—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: I think the deputy leader should listen, because we have succeeded where he has never been able to. Under the new package, medical activity undertaken in rural public health units will be insured by the government for both public and private patients. In addition, activity related to public health admissions in private rooms such as antenatal care will also be insured. The package offers security to doctors upon retirement. The negotiations have involved the Rural Doctors Association, the Rural Doctors Work Force Agency, the AMA and the Medical Defence Association of South Australia.

This outcome further demonstrates the government's commitment to country South Australians and will give certainty to rural communities as well as to their doctors. This is a sustainable and reliable medical indemnity cover. I am delighted at the level of cooperation that we have had during these complex negotiations between doctors and the state government. The President of the Rural Doctors Association of South Australia, Dr James McLennan, has welcomed the package as an important breakthrough for the health of the rural sector. This package will play an important role in maintaining medical services in country South Australia.

WATER LICENCES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for the River Murray. Will the minister give an absolute assurance that once irrigation licences are issued for the now proclaimed Eastern Mount Lofty Ranges water resources a levy will not be charged with the irrigation water to fund the Australian Basin Water Catchment Board or its replacement that may occur under natural resource legislation?

The Hon. K.O. FOLEY: I have a point of order, Mr Speaker. I think the Deputy Leader of the Opposition's mobile phone should be turned off during question time.

The SPEAKER: Order! Is there a phone switched on? I heard a phone ringing.

The Hon. DEAN BROWN: Mr Speaker, I think it may have been my phone. I thought I had turned it off, but I apologise if I had not. If I may explain my question, Mr Speaker.

The SPEAKER: Before you do so, can I tell you straight out: leave the damn thing outside—and every other member likewise, including all the ministers. It causes dislocation of a serious nature to the capacity of the Hansard staff, who are wearing earphones, to hear what is going on, quite apart from the discomfort. May I say to all honourable members that it is grossly discourteous to other honourable members and it is quite abusive to the sensitivities of those who are trying to service professionally. If I have not made myself plain to date, the next occasion upon which it occurs I will name the member. The Deputy Leader.

The Hon. DEAN BROWN: Thank you, Mr Speaker. Would you like me to repeat the question?

The SPEAKER: No; the house has heard the question. The member may make the explanation for which he has been granted leave.

The Hon. DEAN BROWN: The minister has imposed a prohibition on new water resource development in the Eastern Mount Lofty Ranges and will set a water licence for each property through prescription. At a public meeting of 250 farmers at Mount Compass last night, no assurance was given that this water licence would not be levied to fund the Murray Catchment Board or its replacement. Farmers want such an assurance from the state government.

Mr Brokenshire interjecting:

The SPEAKER: Order! The honourable member for Mawson has received his last warning this week. The Minister for Environment and Conservation.

The Hon. J.D. HILL (Minister for the River Murray): As you, sir, and all members who have electorates adjacent to the River Murray (and, indeed, all members who have electorates where there are water resources under threat) would know, from time to time both this current government and previous governments have gone through a process of prescribing the watercourse. That is done after a process of some analysis, a lot of attention is given to the issues, an interim process is entered into and then, over a period of time, after full consultation, a final set of recommendations is made and the watercourse is prescribed. Through that process of prescription we ensure that the water resource can be managed sustainably into the future. Associated with that is a whole range of management plans and processes that are put in place. I was not at the meeting last night and I am not aware of what my officers may or may not have said. I will certainly obtain a report from them.

The Hon. DEAN BROWN: On a point of order: the question was very specific indeed, asking if the minister would give an assurance.

The SPEAKER: And the answer is equally specific: he did not.

SCHOOL RETENTION RATES

Mr O'BRIEN (Napier): My question is directed to the Minister for Education and Children's Services. How is the government engaging local communities to assist in improving the state's school retention rates?

The Hon. P.L. WHITE (Minister for Education and Children's Services): In addition to the announcement made by the Premier and me today about the review of the senior secondary certificate, the government has allocated $28 million to address this issue. I thank the honourable member for his query about the role of local communities in improving school retention rates, because we know that improving the state's school retention rates is not just a school responsibility. That is why I am pleased to inform the house that a new $7.5 million state government initiative called Innovative Community Action Networks (ICANs) has recently been launched. Initially, ICANs will be located in the southern, northern and north-western metropolitan areas and the Upper Spencer region. These regions have some of the state's lowest school retention rates. At some schools in these regions, only about one-third of year 8 students finish their schooling.

The SPEAKER: Order! The honourable minister knows better than to have private conversations from within the chamber. The Minister for Education has the call.

The Hon. P.L. WHITE: At some schools in these regions, retention rates are as low as one-third of students completing their high school education, compared with the state average of approximately two-thirds of all students completing. The ICANs will bring together young people, their families, schools, teachers, community groups, businesses and government to formulate local solutions to the local issues preventing young people from continuing their education. The solutions of course will vary between different regions, depending on the specific needs of students. For example, the ICAN might introduce a new learning program with more flexible hours for young people who have night-time jobs.

ICAN networks will be formed through a series of workshops and community forums in each of those above-mentioned regions, and each network will be supported by a project officer and the state coordinator, who will help develop and instigate community suggestions. This initiative is supported by other steps that the state government has already taken to support young people in our schools in those age groups. This includes the introduction of 80 student mentors to work with up to 800 students at risk of dropping out of school early; our new Futures Connect strategy, connecting young people to successful pathways; and during the next 12 months we will continue to introduce other elements of the $28 million school retention action plan. This state government is putting real dollars and real action into the issues surrounding early school leaving.

RADIOACTIVE WASTE

Ms BEDFORD (Florey): My question is to the Minister for Environment and Conservation. Is the minister aware of the findings of the New South Wales parliamentary report into transportation and storage of nuclear waste? If so, in what way, if any, are they different from the policies of the South Australian government?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for her important question. Yesterday, the report by the Joint Select Committee on the Transportation and Storage of Nuclear Waste was tabled in the New South Wales parliament. I have a copy of that report with me. I am happy to table it in this house, and I do so now. The report recommends that the federal government abandon its current plans to store low level radioactive waste in South Australia. So, from that point of view the New South Wales parliamentary committee is consistent with the

position of the South Australian government. It believes that the low level waste should not be stored in this state.

Further, the federal government's lack of consultation on the dump was described by that committee in its report as:

> Decide, announce and defend—where sites appear to the public to be plucked out of the air and imposed on the communities.

That is what the New South Wales parliamentary committee believe. Safety concerns about transport were also raised. The committee noted that, and I quote:

> It is hard to see how the proposal to move waste to remote areas away from the point of production will increase safety, as the transportation of the material actually increases the risk from accident or incident (including some form of terrorist intervention).

On that point, again, the committee's report accords with the view of the government of South Australia. The report does more that just rule out the proposed dump in outback South Australia. It also says that, and I quote again:

> For the time being, Lucas Heights should continue to be the major national waste facility until a more acceptable resolution of the waste problem can be developed.

Once again, the New South Wales committee's report is in accord with what the South Australian government believes.

One of its key recommendations is for New South Wales to undertake a comprehensive audit of its own nuclear waste. South Australia, as you would know, sir, is the only state in Australia that has already done so. So, the committee is once more in accord with what the South Australian government has done.

What is really surprising about this report is that it is a cross-party committee report. Members of the Labor Party, the Greens, a Country Independent, and, importantly, the Liberal Party and the National Party were all members of the committee. I am advised that there was no opposition to the report within the committee and that there is no dissenting report, though I do note in passing that the Liberal member of the committee did not attend for the last couple of days of the committee's meeting. One can only question and ask why that was not the case. But it is interesting to note that there has been no dissenting report moved.

New South Wales is home to about 90 per cent of Australia's radioactive waste. This committee from New South Wales has handed down a commonsense report that condemns the federal government's plans for a dump in South Australia. It is worth reminding the house that, following a motion, moved by our Premier at Labor's national conference, a federal Labor government—a Latham Labor government—will rule out a national nuclear waste dump in South Australia. That is the position of New South Wales. It is the position of the Labor party in South Australia. It is the position of all the parties in New South Wales. Sadly, it is not the position of the Liberal Party in South Australia. The Liberal Party continues to be the handmaiden of the federal Liberal government. They should listen to their colleagues in New South Wales and change their position. We do not want it in our state. New South Wales does not want to put it in our state, either. They are happy for it to stay at Lucas Heights.

The Hon. I.F. EVANS (Davenport): I have a supplementary question. Can the minister please confirm that it was a federal Labor government that moved regulations in the federal parliament that prevent Lucas Heights being used as a permanent waste repository, therefore requiring the waste to be removed from Lucas Heights?

The Hon. J.D. HILL: Sir, I just ask for your ruling. Consistent with your ruling before in relation to the question from my colleague the member for Florey, I am not responsible for those issues, and I ask you to rule it out of order.

The SPEAKER: The question seemed to be in order given the ambit of territory covered by the answer provided to the question from the member for Florey by the honourable minister. Without implying that in some way or another the minister reflected on the chair's failure to judge that it was out of order, I simply draw attention to the fact that it is in order within that context, given that I had earlier ruled the question out of order as put by the member for Florey in the first instance because it sought information about something that was not a part of this parliament's proceedings. However, in order to clarify the factual situation, I guess the member for Davenport sought that background information from the minister.

The Hon. J.D. HILL: Thank you, Mr Speaker. I was just trying to clarify the position, because what the member for Davenport asked me about was a decision that was made in the federal parliament. I am not in a position to comment on decisions that are made in another place; I am not able to comment on that particular set of decisions. But what I can say to the member for Davenport and the members opposite is that the federal leader of the Labor Party, Mark Latham, has ruled out putting a radioactive waste dump in this state. The NSW committee that has examined this issue has also said it should not go in this state. The Labor government in this state has said that it should not go in this state. The only people who want to put it in this state are the federal Liberal government and the state Liberal opposition here in South Australia. The member for Davenport is the handmaiden of Senator Minchin. We know why he is the handmaiden to Senator Minchin; we know the favours he is trying to get from Senator Minchin, and it is up to him to answer those questions.

The SPEAKER: For the benefit of the house I point out that the minister was not asked to comment upon the matter but, rather, whether or not he was aware of it. The exchange that has occurred simply illustrates the point that it is necessary for us either to change our standing orders and, if not, throw them out, or otherwise stick to them. Members ask questions which ministers then answer, without either party, either person, either member, or whichever way you wish to describe them, debating the matter to which they refer. At present they are required to observe the standing orders preventing the expression of opinion and debate.

ROAD SAFETY ADVISORY COUNCIL

Mr RAU (Enfield): My question is to the Minister for Transport. What role will the Road Safety Advisory Council play in the further development of road safety initiatives?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Enfield for his question. In late January the chair of the Road Safety Advisory Council, Sir Eric Neale, presented to me the council's recommendations for a second phase of road safety reform. In all, there are 25 recommendations from the council that take into account interstate and overseas road safety experience, the work of various task forces, and community input. I am pleased that the council's recommendations are in line with the South Australian Road Safety Strategy 2003-2010 released last September. These recommendations are now under active consideration by the government. In addition to those 25 key

recommendations, the council has also identified 13 other key road safety issues that it will further investigate during this year. Some of those include:

- the review of penalties for driving offences, particularly for repeat offenders;
- the future use of alcohol interlocks;
- double demerit point schemes;
- speed limits on urban arterial roads with high pedestrian activity;
- random drug testing; and
- ongoing assessment of drivers relating to their fitness to drive.

On behalf of the government I would like to take this opportunity to thank Sir Eric Neale and also the members of the Road Safety Council for their work and for their valuable input into this ongoing issue of road safety.

HOLDFAST SHORES DEVELOPMENT

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Urban Development and Planning. Given the minister's earlier assurance in question time today that there is definitely an agreement in place between the Holdfast Bay Council and the developer of stage 2B of Holdfast Shores, will he now totally rule out any possibility of the government's compulsorily acquiring Magic Mountain?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): What I will rule out is being verballed by the Leader of the Opposition. What I said, sir—

Members interjecting:

The Hon. R.G. KERIN: I rise on a point of order, sir. I draw to your attention, Mr Speaker, that that is about the fourth time in two days the minister has got to his feet and abused members of the opposition.

The SPEAKER: The minister will address the substance of the question.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That's right. I resent that imputation: I am sure that I have made more reflections than that on members opposite! But can I conclude by saying that the—

Members interjecting:

The Hon. J.W. WEATHERILL: The question was about my awareness of an agreement. I said, when I answered the question yesterday and when I answered the question today, that it was based on legal advice. I had not seen the source documents. I assume the advisers have seen the source documents, including the leases and the other material that comprise the elements upon which they rely to make their legal advice. I presume they know what they are doing. I have not sought to double guess their advice. It amounts to quite senior legal advisers in the profession—

The SPEAKER: Order! There is a point of order.

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. The question earlier today was: will the minister give an assurance that there was an agreement and he said 'Yes.'

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! If the Deputy Premier wishes to answer the question maybe he should take the question; otherwise shut up.

The Hon. J.W. WEATHERILL: I continue to be misrepresented by the Leader of the Opposition. What I said in answer to the question was, 'Yes, that is the legal advice.' Those were my words when I answered the question earlier today. You can check the record. I receive legal advice on these matters, I rely upon that advice and that is the information I proffer to the house. I do not know how much clearer I can be. The next part of the question—

The SPEAKER: Order! The Deputy Leader of the Opposition has a point of order.

The Hon. DEAN BROWN: Mr Speaker, the question to the minister is: will he now totally rule out the possibility of compulsory acquisition? He is dodging that issue and the house deserves an answer to the question.

The SPEAKER: Can I invite the minister to reflect upon the oath he swore upon taking office and remind all ministers that their duty is to respond to the inquiries made by members for information, rather than debate the issues during question time. Debate is for another part of proceedings at a different time in proceedings.

The Hon. P.F. CONLON: I make the point, sir, that the question as cited by the Deputy Leader of the Opposition was also prefaced by an allegation by the Leader of the Opposition, that allegation being comments that had been made. If the minister is not to be required to respond to those allegations, the allegations should not be made.

The SPEAKER: Order! The chair makes it plain that it will not debate its rulings with the house other than by substantive motion. It is a pejorative term to say that it was an allegation. It was a statement of what the Leader of the Opposition, in the kindest possible way, construed as being a report reminding the minister of what the minister had said, rather than an allegation. I am therefore not of a mind to engage in the discussion as to whether there was an allegation that warranted answer. Such things have no place, in any case, in question time. Question time is for the purpose of seeking information, and ministers, under the terms of their commitment to their office, are obliged to provide it, or such other alternative information as is relevant to the inquiry, and not engage in debate. If members do not understand that, then the chair has a solution and the chair will invoke that solution. The patience of the chair is running out. The minister.

The Hon. J.W. WEATHERILL: I was intending to get to the second part of the inquiry, but I clarify for those opposite: legal advice suggests that the council is obliged to hand over Magic Mountain. I do not know how much clearer I can be. That is the advice I reported to the house yesterday, and it is the advice I hand over to the house today.

The second part of the question is whether we will rule out compulsory acquisition. Certainly not; we will not rule out anything. We have made a decision based on this development and we fully expect the development will proceed in accordance with the legal advice we have received. If some further steps need to be taken at some future stage, no doubt we will consider that and take the appropriate steps. If that involves a compulsory acquisition regime or, potentially, a resolution through the houses of parliament—any of those measures which are potentially necessary steps—we will give that due consideration at the appropriate time.

Mr BRINDAL: I rise on a point of order, sir. Standing order 127 states that a member may not make personal reflections on any other member. Sir, you will recall that at the beginning of the last question the Leader of the Opposition suggested that the minister may well have done that. In his reply, the *Hansard* record will clearly show the minister

was put out because he has done it, not as often as the leader suggested, but on more occasions. If by his own admission he is guilty of personal reflections on other members, I ask that, according to the standing orders, he apologise.

The SPEAKER: We will not go there. The purpose of the time we have left is to get answers to questions which members wish to put to the ministry.

TOURISM, VISITATION NUMBERS

Mr HAMILTON-SMITH (Waite): Does the Minister for Tourism acknowledge that, since she has been the Minister for Tourism, South Australia has experienced an unprecedented collapse in tourist visitation? Information promulgated by the minister on her own SATC web site confirms that international visitor numbers to South Australia have slumped, with our share of the national total at 7.1 per cent—its lowest level in over six years. Interstate arrivals to South Australia are at their lowest level in five years, with the total dropping 5.5 per cent last year, while the rest of Australia enjoyed an increase of 3.5 per cent; and intrastate domestic activity is at its lowest level in four years, with our share of the national total contracting to 6.9 per cent.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the honourable member for the question. I will say it again slowly, because we have tried to explain this to him before and, obviously, he is a slow learner. I remember when he stood up in the house and suggested we go to war with Iraq as a good thing to do. It took two months to compute that going to war might affect tourism numbers. When it did impact on his psyche we were told about it, and he might have realised it was a very bad year for tourism. Tourism throughout the world has suffered because of SARS and a war; we have had terrorism and now we have chicken flu, and the member for Waite has just noticed that it will affect tourism dollars. But we knew there would be a problem. If we are talking about a minister's record, I know he was the fifth in line and is not responsible for everything that happened under the Liberal government, but let us go back to March 2002 when our interstate domestic nights were at an all time low.

Our interstate domestic nights were at an all time low, and who was the minister at that point? It was the member for Waite when those numbers were released. He was not responsible for the whole 12 months because he was only the minister for two, but this year now, following the election—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: Just remember that the results published in March 2002 reflect on the Liberal government's achievement: we had the lowest ever recorded interstate night numbers. This year, this month, we have what? Do you know what we have?

Members interjecting:

The Hon. J.D. LOMAX-SMITH: The highest ever recorded interstate nights for a year, and that is in the face of war, SARS and terrorism. How did we achieve that? We did not achieve it using the member for Waite's strategy, which is to have bigger and better parties, because that has also been his criticism. We did not invite international singers to big parties for our mates. We have spent the money on things that counted such as marketing, innovative performance—

The Hon. I.F. Evans interjecting:

The SPEAKER: The member for Davenport will come to order! The minister has the call.

The Hon. J.D. LOMAX-SMITH: —and we recognised that money had to be spent differently, not on junkets and parties. At a time when international tourism was falling, where we were seeing falls across the country and across the world and parts of Australia were literally in decline, we managed to turn it around and get an increase in international bed nights and domestic interstate bed nights because of clever marketing. We marketed strategically: we value added onto our major events; we value added onto conventions; and we worked in collaboration with national parks, the arts department and Education Adelaide, and we made more money. I will explain it more simply because you do not make money on the raw data of the number of arrivals into the city. The tourism operators will be happy to explain to the member for Waite that you make money on how long they stay and how much they spend.

Under normal circumstances, the KPIs might be how many visitors you get, but if you look at the dollars, the profits and the benefits to South Australians, the benefits are to be had by how much they spend and how long they stay. We have explained this slowly to the member for Waite before and he does not appreciate that if you have adverse circumstances, you can only support the industry if you are smart—and the industry recognises that the marketing program has been focused and smart. We had the wit to introduce a drive campaign when international tourism was going down to increase the visitation lengths from interstate. We had the smarts to leverage on our arts activity and we even market around Albert Park when there are disgruntled residents.

We market strategically, and if the member for Waite would like to speak to some tourism operators, he might find out that he is trying to stir up negativity when it is not called for because, frankly, in discussions with me they are quite pleased by the way in which we have borne the tide in the last year. They personally are not complaining and they actually would be happier if the opposition was more positive and showed more support for the creative activities and less carping, because the tourism operators know you make money out of dollars spent and bed nights, not the number of visitors.

HOMESTART LOANS

Ms BREUER (Giles): My question is to the Minister for Housing. What proportion of HomeStart loans are being approved for housing purchases in regional South Australia?

The Hon. S.W. KEY (Minister for Housing): I thank the member for Giles for the question and also acknowledge her advocacy for her members, particularly in the area of housing, the Housing Trust as well as the other parts of the portfolio. Members in this house will know that HomeStart is one of the great success stories in the South Australian housing market, providing affordable finance to low income earners wanting to own their own home. Given that the population of Adelaide accounts for more than 90 per cent of the state's population, it will come as no surprise to members that the majority of HomeStart loans are for the purpose of buying a house in the greater Adelaide area (the metropolitan area). However, the boom in house prices in recent years has meant that many low income people cannot afford to buy in the city or in the inner metropolitan area, even with the help of HomeStart. This has meant that, in addition to existing country residents, more low income earners are purchasing houses outside the metropolitan area, attracted by the

generally lower house prices and the opportunity for the experience of a country lifestyle.

The most recent statistics from HomeStart show that 30 per cent of all HomeStart loans are in regions—and this would be good news, I am sure, to the members in this place from country regions. In the financial year to date, more than 40 per cent of loans were for properties outside the metropolitan area. As at January 2004, HomeStart is assisting with the purchase of more than 4 000 properties with a total value of over $200 million. Loans have been approved in all regional areas, with the greatest number being near the country regions of the Fleurieu Peninsula, Gawler and the Barossa Valley, and I imagine the members for Finniss, Schubert and Light would be very happy to hear that news.

TOURISM, BED OCCUPANCY RATES

Mr HAMILTON-SMITH (Waite): My question is again to the Minister for Tourism. Given the minister's position that tourist bed nights have increased, can she explain to the house why ABS statistics confirm that, under her watch, room occupancy rates and takings in licensed hotels, motels, guest houses and serviced apartments have all declined or remained static across the accommodation sector? ABS figures show that occupancy rates for each of these sectors are at their lowest level for three years, and research commissioned by the Australian Hotels Association has confirmed the findings. As recently as December 2003, the government and the minister herself acknowledged significant decreases in accommodation occupancy rates in the last 12 months. Where are they staying, minister? The zoo?

The SPEAKER: Order! The honourable member has provided a very detailed answer to the question he has asked. I give him the call to ask the next question.

Mr HAMILTON-SMITH: Thank you, sir. My question is to the Minister for Tourism. Did the minister reveal—

Members interjecting:

The SPEAKER: Order! The member for Waite has the call.

Mr HAMILTON-SMITH: Did the minister reveal the full facts when she claimed in the house on Monday and again today that the number of bed nights spent by tourists in South Australia was strong? The facts contained on the web site of the SATC (the tourism commission) and in other sources reveal: that in Labor's first two years in office South Australia's share of international visitor bed nights has been at its lowest in six years; that South Australia's share of interstate bed nights slumped significantly—

The Hon. K.O. FOLEY: Sir, I rise on a point of order. Unless I am mistaken, you ruled that the member asked a question and answered his own question, then gave him the call to ask the next question. Unless I am mistaken, he is asking the same question but in a different format.

The SPEAKER: I am certainly interested in the answer he is giving.

Mr HAMILTON-SMITH: Sir, I am quoting facts from the minister's web site. In Labor's first two—

The SPEAKER: I remind the member for Waite that the object of question time is to seek information from ministers, not provide it on their behalf. There seems to be some confusion in his mind.

Mr HAMILTON-SMITH: Sir, the minister has made certain statements to the house and I am asking her for more information.

Further, that South Australia's share of interstate bed nights slumped significantly in Labor's first year to 2002 and, although it improved in 2003, it is still not back to 1999 levels; and that interstate domestic bed nights declined by 5.2 per cent in 2002 and barely recovered in 2003, remaining lower than the 6.7 per cent share achieved in 2001. What is happening with bed nights, minister?

The SPEAKER: One presumes the question is whether the minister is aware of the data provided by the honourable member.

Mr HAMILTON-SMITH: On a point of order, the minister has made statements to the house—

The SPEAKER: Accordingly, I think the dilemma the member for Waite has is that he does not understand the difference between use of question time for questions and use of question time for urgency motions, or the use of question time for questions and subsequently the use of grievance debates or other procedures available to him in private members' time to debate matters of substance, rather than engage in this farce of asking a question to which the answer is already known and, indeed, providing the information to it. The honourable minister has acknowledged the accuracy of the data that has been provided by the honourable member. Let me tell the honourable member that it is farce and it is getting higher by the minute. The member for Waite has the call for the third time.

Mr HAMILTON-SMITH: Will the Minister for Tourism acknowledge to the house, as she did last week to the national media that, since she has been the responsible minister, government expenditure on tourism has fallen from $55 million under the Liberals to $43 million in the financial year 2003-04, a $12 million recurring reduction in funding support?

Mr O'BRIEN: On a point of order, I would have thought that someone rising to his feet and asking a member of the government to acknowledge something is not a question.

The SPEAKER: The chair acknowledges the point made by the member for Napier. In an endeavour to help the member for Waite and the house to understand, I believe that the member for Waite is asking the minister if what was reportedly said by the minister is in fact what she has said, so that he may then attribute those remarks to her in such other debate and other forums or proceedings in this place as may be relevant in his opinion. To that extent alone, the question is relevant. I do not see that such a question requires explanation, but that is a subjective decision that must be made by members who seek to make explanation, otherwise the minister should answer. I do not know how you further explain it. Has the member for Waite anything further he wishes to add in explanation? If not, I call the minister.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): Can I suggest that, with a little more time, we might have had the release of the next month's figures, because we have heard so much this afternoon and we could have just waited a bit longer. I have to say that, as often with the member for Waite, the questions are rather difficult to answer because there are so many. It is like a free-flowing association of ideas with random thoughts and random numbers. Part of the problem, of course, is that the member for Waite seems to have a crisis of identity. He thinks he can answer his own questions as well as giving them, so he clearly thinks that he is the minister.

The Hon. R.G. KERIN: On a point of order, as was pointed out by the member for Napier and by yourself, sir, it was a simple question as to whether or not the minister would

acknowledge that tourism funding has been cut by $12 million. It is easy.

The Hon. J.D. LOMAX-SMITH: That was yet a different question. The first question, as I understand it, was whether I understood that the yield on beds in the state had fallen. The answer to that was—

The SPEAKER: Order! To help the minister, the question from the member for Waite was whether you said what you were reported as having said, namely, that there was a reduction in the amount of money that had been spent in Tourism.

The Hon. J.D. LOMAX-SMITH: The appropriation for the Tourism portfolio has fallen, but the quotation was not mine. I think it was the member for Waite's.

HOSPITALS, WAITING TIMES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the minister for Health. How does the minister explain an expected debt of over $32 million for the public hospitals in Adelaide this year, and is the debt the reason why urgent surgery is being cancelled or delayed? As examples of large debts, I understand that the Flinders Medical Centre and the Repatriation General Hospital have both reported expected debts of over $9 million each this year. The following are examples of delayed surgery. In October last year, a cardiologist referred a 73-year old woman with a very serious heart problem to the Royal Adelaide Hospital, requesting surgery within two months. She will have waited four to five months after the surgery booked for 10 February was cancelled at short notice.

Another example is the doctor of a 65-year old woman with a serious spinal injury requested an urgent appointment for his patient within two weeks at the Royal Adelaide Hospital. The Royal Adelaide Hospital responded with a letter to the patient stating:

> A medical officer has reviewed your referral and an appointment has been made in the Spinal Assessment Clinic, which currently has a waiting time of over a year. Due to this delay your appointment details will be mailed to you six months prior to your appointment date.

The Hon. L. STEVENS (Minister for Health): It is quite astonishing that the Deputy Leader of the Opposition would have the front to come into this house and ask me a question about hospital debt. This is the man who accumulated nearly $60 million of debt against our hospitals under his—I was going to say stewardship, but I could hardly use the word when I refer to the Deputy Leader's term as health minister in this state. Our hospitals are very busy. I have said this on numerous occasions in this house. Our hospitals are doing more work than ever before, and I am very keen to address some of the examples that the Deputy Leader has just mentioned. The Deputy Leader put out a press release on Sunday in which he talked about the 73-year old woman he has just referred to. I would like to give some information to the house about that, because it is a very serious matter. I would like to inform you all about the circumstances of this case.

The member for Finniss wrote to me about this case on 10 February 2004. This letter was received in my office on Friday 13 February. Because of the serious nature of the matters raised by this correspondence, my office telephoned Professor Kaye Challinger, the Chief Executive Officer of the Royal Adelaide Hospital, on Monday 16 February, to seek advice as to why this person's surgery had been delayed by up to six weeks. The Chief Executive confirmed that it had been necessary to reprioritise a number of surgical procedures, because of staffing shortages in critical areas. The key difficulty results from the number of perfusionists—they are people who operate the heart/lung machines—falling from four to two.

Professor Challinger advised that arrangements had been put in place for a locum perfusionist to come from Melbourne to fill that gap. In addition, Professor Challinger also said that the lists had been disrupted again by two registrars, who assist the heart surgeons, returning overseas. She also said—and I encouraged her—that every effort is being made by the Royal Adelaide Hospital to minimise this unfortunate disruption. Of course, as health minister, this is a very serious issue. In this case, the Royal Adelaide Hospital is doing everything within its power to put the staff who have left back in place to get that operation and that work done as soon as possible.

Let me return to the broader picture of the busyness of our public hospitals. The public hospital system is doing more work than it has ever done before. In fact, we are doing more elective surgery. There are more elective surgery admissions this year. In the first 11 months of last year there were over 2 000 more elective surgery admissions compared with the same time in the previous year. The problem is that, unfortunately, the more work we do, the demand that is out there in our community for health services is still outstripping it. We have galloping demand and we are struggling to cope with that demand. That is what the generational review told us, that is what our health reform measures are about and that is what we are working constructively on fixing.

TOURISM, SPENDING

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Tourism. Why has the government cut tourism spending in the last 12 months by more than that of any other state or territory?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I have to say that I am not privy to the budget considerations of other states.

Mr HAMILTON-SMITH: My question to the minister is why has she—why has the government—cut tourism spending in the last 12 months by more than that of any other state? I am not asking her for information about any other state.

The SPEAKER: Order! The honourable member knows that the minister for Tourism is not responsible for the expenditure that occurs in other states, in the same way as the Minister for Environment and Conservation is not responsible for reports that are tabled in the New South Wales parliament. It may be reasonable for the member for Waite and me to assume that the minister would be interested in such matters, but as a matter of procedure in standing orders it is not possible for the member to require of the minister to have that knowledge or, indeed, for the house to require of her to have such knowledge and, whether she has it or not, answer a question about it if it is of her inclination not to. The admissibility of the question under standing orders is borderline, whether or not it is relevant. The minister, by answering in the manner in which she has, clearly indicates that she is disinclined to provide any information about any such comparison, and she cannot be expected to do so under the terms of standing orders.

SCHOOL LEAVING AGE

Mr BRINDAL (Unley): Mr Speaker, I claim to have been misrepresented and seek leave therefore to make a personal explanation.

Leave granted.

Mr BRINDAL: In answer to a question today, the minister asserted that somehow I wished children to leave school at the age of 15. I point out to the house that the legal age of leaving school is now 16, so that is not possible. I further point out to the house that what I have always asked is that children—

Members interjecting:

The SPEAKER: Order! The member has leave to make a personal explanation. He is explaining where he has been misrepresented, and it compounds the problem if honourable members interject. The honourable member for Giles and will cease and desist.

Mr BRINDAL: Thank you, Mr Speaker. All I asserted was that any blind genuflection to tertiary qualifications had, in fact, exacerbated the skill shortage of many of our trades. I further asserted and continue to assert solely that, at the age of 15, a level of competency should have been reached in reading which most reading tests consider to be an adult standard, and similarly in literacy—

The SPEAKER: Order! The honourable member does not have to regurgitate policy statements that may be relevant in his opinion in the context of a debate. The honourable member merely states and states alone facts upon which he was misrepresented and what the true facts were, instead of engaging in debate.

GRIEVANCE DEBATE

HALLETT COVE BEACH

The Hon. W.A. MATTHEW (Bright): Today, I rise to address the house about details of a most serious incident that occurred in my electorate over the weekend. I was appalled to find that, on Sunday morning, almost one million litres of raw sewage poured onto the beach at Hallett Cove. Of course, this area is no ordinary area of South Australian beach in that the area concerned is in front of the Hallett Cove Conservation Park.

Many members of this house are aware that this area of conservation park is one that has world geological significance, as the conservation park has some of the best examples of glacial striations found in the world and, indeed, is a strong geological time line link that is used by many students certainly within Australia, from other parts of Australia and from around the world to analyse the movement of glaciers.

The fact that raw sewage was able to spill into such an area is not only a local scandal or national scandal but is a scandal of international proportions. This sewage outpour occurred after the pumping stations, which normally ensure that sewage is appropriately pumped to the treatment works, broke down after an electricity outage. The electricity outage was for some eight hours, and I was briefed on Saturday night on an ongoing basis by ETSA Utilities, which, I must say, did everything within its power to address the problems that were at hand.

At around 9 p.m. on Saturday night, I was advised by ETSA Utilities that there was a danger of sewage pouring onto the beach because of the non operation of its pumps. ETSA Utilities was using staff diverted to the site to try to get power to those stations but were not able to do so in time to avoid the problems that occurred.

What concerns me is the fact that there was no back-up generation to this area to stop the sewage outpour from occurring. One would have reasonably assumed that, in view of the geologically sensitive nature of the area, there would have been that back-up to ensure that such a sewage outpour onto such an important area of beach would not have occurred.

However, I am horrified to find that there is no back-up whatsoever to those pumping stations. That is despite the fact that there is the significant presence of a back-up power station at Lonsdale just a couple of kilometres away, as the crow flies, from the contact point to the electricity infrastructure. It stands to reason that there is at least one obvious and, I would expect, low cost opportunity to be able to connect back-up electricity to the infrastructure and ensure that this does not occur again.

I would have expected that staff of SA Water, in commenting publicly in the media about this matter, would have been concerned and would have been giving the public reassurance that it was about to install back-up. But, no, that is not what we heard. We heard bureaucrats from SA Water defending what occurred on the basis that they claim that there are 300 such pumping stations around Adelaide without back-up power, and it prioritises them accordingly.

I would argue that a geological conservation park of world significance affords high priority. So, too, does an area that is surrounded by housing, as is the case in this area. My constituents were subjected not only to the tortuous 44 degree plus temperatures of the day, not only without airconditioning, because they were without electricity for up to eight hours but, on opening the windows of their homes for relief from the heat, they were confronted with the foul stench of raw sewage that had poured onto the beach in front of their homes.

In the year 2004, in a society such as ours, there is no excuse for such an incident occurring. This government is beholden, particularly through the Minister for Infrastructure, to insist of SA Water that, as a matter of priority, electricity back-up is provided to the pumping stations at Hallett Cove so that such a vile incident will never occur again. If such back-up is not provided, it becomes an incident of international shame that a government in our state would allow this to happen.

LOCAL GOVERNMENT

Mr RAU (Enfield): I rise today to speak about a matter which really comes to the attention of the house in the context of this hoo-ha that is going on about what is or is not happening at Glenelg. It is also in the context of the broader problem, being the accountability or, more explicitly, the lack of accountability, of local government authorities for what they do.

Unlike parliament, where the Auditor-General and other people come in and look at what departments are doing, local government runs its own show. I would just like to draw attention to an issue which concerns me. In doing so, I will declare my interest, that is, first, the council about which I wish to make a few remarks (the Charles Sturt Council), is one of which I am a resident and ratepayer. My wife is a former councillor who retired because she was having a baby and decided she did not have enough time to continue. I am

an MP for part of the city. So, that is my declaration of interest.

The City of Charles Sturt has an area called Henley Square, which contains one of the last major sections of open public space on the metropolitan beach of Adelaide. It is community land. Some elements of the staff of this council have set about preparing what they call a master plan for the redevelopment of this area. This master plan, which has been advanced some considerable degree by the engagement of external consultants, proposes, amongst other things, the alienation—and I repeat the word 'alienation'—of public open space and community land which is very close to the beach, to the great detriment of not only local residents but all who want to use the beach area.

In fact, this master plan went through what could pass, cynically, for a consultation process at which local residents were advised what was going to happen. This has turned into a complete shemozzle. It also involves what appears to be shady dealings with developers in relation to a particular pocket of land which is very close to this area. If this development is to go ahead, it will dictate to the community what will occur in and about public open space.

It has been the subject of considerable concern to residents, resulting, I might say, in the council belatedly and reluctantly engaging in an internal inquiry, when a legal person, who works for the council or local government entities from time to time, was engaged to provide a report. That report is deemed, under the provisions of the local government act, to be a legal opinion and is, therefore, in confidence.

That report is being held in secret by the council and is not released. The residents and the ratepayers have no idea what is going on, and the whole process has the overwhelming whiff of whitewash. The sooner something is done to investigate this properly and to expose the true dealings between council officers and developers, the better. It is obvious that internal reviews either will not find anything or, if they do, they will be kept secret and away from the public domain, where they should be. At the moment it appears that some officers in this council are intent on treating residents and the elected members—some of whom, I might say, do suffer a little from naivety—with contempt, treating them very much as mushrooms. We all know how that is: in the dark and fed on manure. The fact is that we need a full, external, independent inquiry to ascertain exactly what has been going here in relation to this master plan, the consultation process leading up to it, and dealings with developers and the council, so that everyone concerned can be assured that a public institution receiving public moneys and rendering taxes upon its citizens in the form of rates is conducting itself in an appropriate way.

HOSPITALS, PUBLIC

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to take up the issue that I raised in question time today concerning the debt that exists within our public hospitals. It is well known throughout the entire health system that the current year's debt for the major hospitals in Adelaide will be $32 million-plus. It is also well known that Flinders Medical Centre has already run up a debt this year in excess of $9 million and that the Repat hospital has run up a debt expected to be $9 million for the end of the financial year. There has never been a time where in one year alone the debt within the public hospitals here in Adelaide has increased by $32 million, and we are only in the eighth month of the year. And that does not take into account hospitals in the country. We have this appalling situation where the hospitals have been starved of funds and, therefore, have had to incur debt to make sure that they are able to handle the patients who are coming in. Imagine a debt at the Repat hospital of $9 million-plus, on top of the $3.5 million debt from last year. Imagine a projected loss out at Flinders of $9 million so far this year. As I said, there has never been a year where that sort of debt has been incurred by the hospitals, let alone by the eighth month of the year, but that is what has occurred now.

As a result, we have this unprecedented deferral or cancellation of surgery, and that is causing enormous anxiety. I want to take as an example the South Coast Hospital of Victor Harbor. I want to raise this, because the GP surgeries were notified that there were at least 10 lists cancelled at that hospital, and I have a copy of the notice that went out to the hospitals for their cancellation. I understand that in fact 12 lists were cancelled—because there were some that must have been cancelled at another time—and that at least eight of those lists have been cancelled because of a shortage of funds at the hospital. For instance, they have had to cancel four of the urologist's lists on 10 February, 24 February, 23 March and 6 April. I have spoken to the specialist involved, and nine patients with bladder cancer have had their surgery cancelled as a result of that, and two other cases that need urgent urology surgery have also been cancelled. Although there is—

The Hon. L. Stevens: It's a pity you didn't ring us to find out the facts.

The Hon. DEAN BROWN: In fact, I got the details directly from the doctor involved, and I think that the specialist involved would have a better idea than the minister. The doctor himself has indicated that nine patients with bladder cancer have had their surgery cancelled and have not been able to be given another date for that surgery. Two other cases of urgent surgery have also had their surgery cancelled, and three lists of ear, nose and throat surgery have been cancelled. I could go on. There has been significant cancellation in that one hospital alone because of the inadequacy of funds.

I have spoken to the specialist concerned, because the hospital has claimed that he has spent his money. The specialist points out that he has operated at the South Coast Hospital for 24 years—one day a fortnight for every one of those years. This year, the allocated period has been substantially cut back and it is quite clear, therefore, that the hospital just does not have the money to carry out urgent surgery. Lives will be put at risk; the minister claimed that no lives will be put at risk. These are cancer patients—nine of them! The life of the cardiac patient whom I cited on Sunday and again today could be put at risk. Yet the minister was out there on radio saying that no lives would be put at risk. That is unacceptable. There are lives at risk.

Time expired.

INTEREST RATES

Mr O'BRIEN (Napier): During question time throughout this week the Leader of the Opposition has asked why South Australian unemployment was not trending in line with the national average. During grievances this week a member of the opposition raised the issue of land tax. The two issues are related. First, South Australia has a higher percentage of its

economic activity devoted to the US market than any other state in Australia. Wine and Holden cars are a primary reason for this. Higher interest rates in Australia have boosted the Australian dollar against the US dollar, leading to falls in exports to the US and to other markets in which contracts have been denominated in the greenback. More pain is to come, particularly in the wine sector, with substantial shakeouts expected.

The reason that interest rates have risen is that the Reserve Bank has been compelled to bring the real estate market under control. I mentioned the dilemma for the Reserve Bank in a grievance speech last year. The bank's dilemma was whether to rein in speculative real estate activity and threaten trade or see the property bubble explode catastrophically. Well, the two rate rises have done what was anticipated: a dampening of real estate activity and a significant slump in manufactured exports, which brings me to the relationship between the questions asked by the Leader of the Opposition and the land tax campaign being run by the opposition. If we want to continue to run a vibrant economy—and the future of Mitsubishi is again being canvassed in the national media—we have to keep interest rates well down and we have to do this on a sustained basis. With a floating exchange rate we have no other option. To keep interest rates down we have to put policies in place at the national and state levels to control asset price booms, particularly in the housing area. This is going to involve a tightening of the tax regimes in relation to property investment.

I know middle Australia has a love affair with residential property investment, but the time has now arrived when we can see in stark relief the debilitating effect that this has on our international competitiveness, particularly for South Australia. Taxation measures on residential property investment will have to be tightened. I say to the opposition: this is not the time to be championing reductions in land tax. Instead, you should be calling on your federal colleagues to put policy measures in place that will put a permanent dampener on speculative real estate activity. Sydney and Melbourne speculators need to be permanently constrained to ensure the ongoing viability of our wine, car, general manufacturing and agricultural industries.

I represent the seat of Napier, which derives much of its economic livelihood from the export success of Holden Limited and supporting component suppliers.

I spent my teenage years in the city of Whyalla. Whyalla depends on the ongoing success of OneSteel which, in turn, is dependent on the trading success of companies such as Holden's and Mitsubishi. The livelihood of the electors of Napier and Giles and other industrially-based electorates should take precedence in determining an appropriate taxation regime for real estate investment. South Australian land tax falls within this regime.

CHLORINATED WATER SUPPLY

Mr VENNING (Schubert): I want to raise a very important issue today which, Mr Speaker, you may or may not be aware of. Yesterday my colleague the member for Kavel raised the very serious issue of the cessation of the chlorinated water supply to those people who draw unfiltered water from the Mannum to Adelaide pipeline. As the member for Kavel alluded to, this action of SA Water also affects many residents within my electorate. This is a very important issue, as I said. The member for Kavel outlined the reasons why this was to occur, and I have no issue with SA Water no longer pumping chlorinated water into our natural waterways in the Adelaide Hills. The practice must be stopped.

The people who currently draw their water from the pipeline will therefore no longer be able to use it for drinking or cooking or, as we found out recently, in the bathroom. Approximately 50 residents within my electorate will be hugely affected by SA Water's decision. Many of them are quite perplexed by the offer made to them—a monetary offer in lieu of their right to potable water, which they currently have piped to their homes. The offer is for $4 000 to cover the cost of fitting rainwater tanks, plumbing, guttering, pumps and electrical work.

When they accept this offer a 'supply by agreement' contract must be signed, which therefore signs away a resident's current right to potable water—I presume forever. Many believe that the offer falls well short of covering the realistic cost of their becoming water self-sufficient. One resident placed the cost to install two tanks and the complete plumbing at $12 000, and this comes after the poor people recently replumbed their house in 2002. Timing of the notification also upsets these conditions greatly because it has been reported to me that SA Water has known about this issue for over two years.

The chlorinated water is being cut off in September 2004. That means that a household's rain harvesting system will have to be in place before this autumn and winter rains. This has been a blanket offer across the whole length of the pipeline. However, as you would know, sir, the rainfall along this pipeline varies greatly. While the fortunate people in the Paracombe area (in the member for Kavel's electorate) receive an annual rainfall of 875 millimetres, people within my electorate at Palmer receive an average of 413 millimetres (less than half), and if you travel down the road out onto the plains near Mannum the rainfall drops away to 294 millimetres per year. This fact alone presents numerous issues.

The lower the rainfall the greater your storage needs to be so as to capture the greatest amount of rain possible and the greater your demand for water will be. The member for Kavel also stated the figures on which SA Water made the offer. They are based on the fact that SA Water believes that a 15 000 litre tank and a small pump would be adequate for a year's supply to a household. Research indicates (including that on SA Water's own web site with respect to how much storage is needed to supply a household of three people with rain water) that this figure is closer to 50 000 litres of storage.

I have also had contact with some of my residents who are quite concerned about the supply agreement offered to them as part of the process. The supply agreement for supply of water by measure to land not rateable states that SA Water has the right to stop supply to the consumer at any time without legal ramification. In other words, they sign their right away for life. This issue has understandably caused my residents great concern. They have been quite troubled by what the consequences a lack of permanent water could mean for their animals, gardens and the value of their properties.

Mr Speaker, would you, would any member of this house, sign away your right to potable water forever for $4 000? Of course you would not. Residents in small towns along the line, such as Tungkillo and Palmer, have been told they will be supplied with chlorinated water through the introduction of small chlorination plants in the town's supplies—not filtered, just chlorinated. However, if SA Water is going to this expense, surely, it is a great opportunity to supply these towns with filtered water. They have been promised filtered

water by 2006, and I have brought this issue to the house on previous occasions.

I would think that this occasion provides a great chance to remedy the situation. Why can the state utility not be forward thinking and create some synergies and give these people the water they need?

KEEP SAFE STAY COOL PROGRAM

Ms THOMPSON (Reynell): I rise today to commend all those involved in the Keep Safe Stay Cool project on their innovative and highly successful work. This program was organised by the Southern Vales Community Health Service, which is a part of the Noarlunga Health Service. It was under the auspices of the Noarlunga Healthy Cities program which, in turn, is part of a World Health Organisation program aimed at bringing different agencies and community groups together to create cities which are healthier for us to live in—cities that create the atmosphere where we can be healthy rather than unhealthy.

I think that I might talk another time about some work that is being undertaken at Flinders University to evaluate what some of these factors are. However, in relation to this project, I particularly want to congratulate Mary Morriss, Fiona Buchanan, Marian Rich and Donovan Pill for creating and driving the program, as well as for evaluating it in a way which enables us to be confident of its effectiveness. Again, I congratulate Richard Hicks for his support and encouragement of this program. Richard is most remarkable for the way in which he drives community-based health initiatives.

I would like to thank all participants, especially the peer educators. They are young people aged between 13 and 25 who undertook quite an extensive range of training on human rights and group skills in order to conduct sessions with their peers. These peer educators were recruited from a diverse range of backgrounds and cultures. Their extensive training included knowledge and personal skills development. The peer educators formed mixed gender pairs and then designed and presented a series of interactive sessions to high school classes and youth groups.

I report to the house that 8 000 young people have participated in the Keep Safe Stay Cool sessions in the past four years. The impact of 8 000 young people having discussions on domestic violence in our community we hope will have a positive benefit, not only in their early years of forming relationships but throughout their lives. Research has been conducted to determine the effectiveness of Keep Safe Stay Cool. Pre and post questionnaires demonstrated that a significant number of the 300 young people tested retained the information up to three years after peer-educated presentations.

I do not know how much any of us retain anything we hear in this place three years after hearing it, so that is certainly an indication of the value both of that method of education and the content. The evidence suggests that young people's attitudes and behaviours changed as a result of involvement with the Keep Safe Stay Cool project—again, a program that brings about behaviour change is something to be greatly admired. We know how difficult it is to bring about behaviour change in relation, for instance, to driving and smoking habits and on this intensely personal issue of domestic violence.

This program has been effective in changing young people's behaviour as well as their attitudes. I was very interested to see some of the survey results. As I indicated, participants completed pre and post questionnaires about their attitudes to various aspects of domestic violence.

It seemed to me that the most significant thing was that the program enabled them to see that domestic violence is not only about the physical harm of their partner. Before they undertook the program, participants were asked to indicate whether they disagreed with the following statement: domestic violence occurs only when people physically harm their partner. Before the program, 49.1 per cent disagreed; after the program, 66 per cent disagreed. It was obvious that there were considerable attitude changes on how they saw name calling and putting down their partners; or keeping them from doing things that they like, that is, pursuing their own interests and friends; and withdrawing money from them. After the study, all saw that they are in fact domestic violence, as well as physical abuse. This is a remarkable change management project.

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

A quorum having been formed:

PUBLIC WORKS COMMITTEE: WHYALLA WASTE WATER TREATMENT PLANT ENVIRONMENT IMPROVEMENT PROGRAM

Mr CAICA (Colton): I move:

That the 194th report of the committee on the Whyalla Waste Water Treatment Plant Environment Improvement program, be noted.

The Public Works Committee has examined the proposal to apply $14.36 million of taxpayer funds to the Whyalla waste water treatment environment improvement program. SA Water owns and operates the Whyalla waste water treatment plant located 1.5 kilometres south of the city under licence from the Environment Protection Authority. The original plant was commissioned in 1966 and upgraded in 1968. It currently serves approximately 22 000 people. It is an aerated lagoon system using natural biological processes, and treated waste water is discharged into Spencer Gulf. There is substantial saline infiltration of the Whyalla sewerage system, which makes it unsuitable for reuse.

The current improvement program has come after consultation and investigation into reuse opportunities. Public consultation processes were undertaken over the period from 1998 to 1999 to evaluate potential reuse opportunities. Studies were commissioned in 2001 to determine the scope of potential reuse opportunities in Whyalla. They concluded that partial reuse of treated waste water could be considered if financially viable. The proposed solution will involve extraction of low salinity sewage at two locations in the sewer network. The low salinity sewage will be pumped to a 3 megalitre per day nutrient removal plant located at the Whyalla racecourse site. The new nutrient removal plant will be a sequencing batch reactor (SBR) capable of achieving low levels of nutrients and suspended solids in the treated waste water. The SBR is a form of the activated sludge treatment process.

The proposed waste water treatment plant will consist of three components: the SBR tank and two balancing storage lagoons and a disinfection unit to produce class B recycled water. The SBR tank operates as an aerobic process which is

inherently a low odour generating process, and has included a buffer from residential areas. All sludge produced through the treatment process will be pumped back into the sewer mains to the existing waste water treatment site, which means that this potential source of odour at the site is removed. The existing plant will treat the higher saline sewage not harvested for reuse. The philosophy of future operation of the existing plant is to maximise the zero discharge period in summer when potential environmental impacts are more likely. In order to increase the zero discharge period, three lagoons that are currently out of service will be recommissioned to maximise evaporation potential. The treated waste water will be discharged at the existing outfall into a tidal creek. A recycled water pumping station will be constructed at the waste water treatment plant and will feed a pressure main to be constructed by SA Water as part of this project.

The pumping main route has been selected to enable council to take water for a number of parks and gardens close to the main. The main will deliver recycled water to the golf course, where some existing storages will be used by the golf club. The proposed upgrade will:

- minimise the impact on Spencer Gulf with an improved quality of treated waste water discharged;
- reduce the average annual nitrogen load discharged into Spencer Gulf by about 70 per cent;
- achieve minimal or zero discharge of treated waste water for approximately 4.5 to six months over the summer period when impacts on the marine environment would otherwise be greatest, thereby reducing the total volume of treated waste water entering into the marine environment;
- reduce the impact on biota in the tidal creek; and
- make available 900 megalitres a year of recycled water for the reuse scheme, consistent with the strong views expressed by the local community, with a view to replace water currently taken from the River Murray (Morgan to Whyalla pipeline) for irrigation purposes.

The committee was told the capital cost of the project is $14.36 million, with operating costs focused on electricity and maintenance increasing to a maximum of approximately $500 000 per annum. Financial analysis indicates that the project has a benefit cost ratio of 0.8 and a net present value loss of approximately $13.9 million as compared with the 'do nothing' option. The committee was told the benefits of the project lie in a range of unquantified benefits such as increased community confidence, progressive environmental policy adoption and reduction of risk on the operating licence for the overall waste water system in Whyalla. Similarly, economic analyses indicate low economic justification based on quantifiable benefits, but unquantified benefits include reduction of environmental impacts to the discharge point into Spencer Gulf, reduction in the River Murray water pumped to Whyalla and increased social amenity.

The committee endorses the project and the principle of water reuse underlying it, but is of the opinion that it should be progressed further.

The committee is told that class B water, which is the result of this project, cannot be used for private purposes. The committee is of the opinion that increased investment in the proposed plant sufficient to produce class A reuse water would be justified if the associated distribution infrastructure was then provided such that adjacent residents could access the water for private purposes, subject to appropriate and reasonable health regulations.

The committee further endorses the investigation and application of alternative methodologies, including natural filtration processes, for the rehabilitation of waste water. The committee is concerned that the consultation process, after initially presenting residents with a range of alternatives for the upgrade process, now consists of merely informing them of the proposal developed by SA Water. The committee acknowledges the potential complexities of such a project but is of the opinion that the public consultation process should have been more sustained and comprehensive prior to the presentation of the final proposal. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Ms BREUER (Giles): It gives me great pleasure today to be talking about sewage and its components, or other terms which are often used—and I have often been accused of talking of those sewage components, but I am very happy to do this today in relation to this report. I was very pleased when the minister recently came to Whyalla and announced this project. It was a great pleasure for me because it is something that we in Whyalla have wanted for a long time, and no-one previously has had the guts to put that sort of money into our community and this problem. I remember when I was on council in 1991 talking about it and some extensive reports being done at the time, and these have been ongoing for years. We have pleaded to reuse this water in our community and, finally, it has happened. I must say that everyone in Whyalla was delighted with this announcement.

Of course, we who live in Whyalla live in one of the driest parts of the state. We are the desert on the edge of the sea. Our rainfall is minimal and our community reflects that. We do have what I consider to be our natural beauty, that is, the vegetation that is native to the area such as the saltbush, myall trees and so on, but we certainly cannot be accused of being a green community. However, this will enable us to do a lot of work on our parks and gardens in our community, and we are very happy about this. It has always been a matter of great confusion to me why we pump the water—of course, our water comes from Mannum on the River Murray—some 400 kilometres to Whyalla, use it once and send it out to sea and, in the process, pollute the gulf of which we are very proud. It is just a such an anomaly that we continue to do this and that we have continued to do it for 50, 80 years.

We now have some opportunity to do something with that water and possibly use it over and over again. It will have many benefits for Whyalla and, as I said, will be a great advantage. I know that our golf course people are delighted with the prospect of using some of the water on the golf course. Certainly the council is very much looking forward to being able to use some of that water on their parks and gardens. The racecourse is very interested as well. I was interested to hear the comments from the chair of the Public Works Committee about the potential in the future to even further process this water so that residents in the community are able to use it, and certainly that is what we are aiming for; that is, for the water to be sold to residents for use in their gardens. Of course, we are not looking for gardens with lush green trees and huge lawn areas, for instance, English country gardens, but we are looking at using that water sensibly, and we could use it very well in our community and particularly to benefit our young people.

The commitment of over $14 million is really good news for our community, and certainly I thank the minister very much for being prepared to put that sort of money into our

community. I also want to pay tribute to my local council, and particularly the council officers who have worked on this project for years in trying to get it to come to fruition. I was very proud of them on the day that the announcement was made because they have put a lot of work and effort into our community which has resulted in the community being able to reuse the water.

While I am on my feet, I put on notice that I will now be on the minister's tail about the Andamooka area because Andamooka is also in the Giles electorate. Andamooka has serious water problems. We have a community of about 500 people who have no water. They are very much in the desert. They get their water allocated from Western Mining, and they have to buy their water. It is trucked to them. We seriously need to look at how that water is allocated, and Andamooka needs to get its own allocation of water. They also need to have a pipeline so that they can access the water from the Great Artesian Basin and Roxby Downs. That is a really important issue.

We have had some meetings with the minister on this issue and with people from the Andamooka area and the Andamooka Progress Association, but it is a serious problem. As I have said before, it is the year 2004, a community of 500 or 600 people should not be relying on trucked water to come from another area. As I have said, I put the minister on notice and I hope that we can come to some sort of satisfactory conclusion as we did with the Whyalla situation. Once again can I say how delighted we are that we are now able to reuse the water. It will be put to great benefit in our community and I look forward to seeing what develops in future times.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT RIVER EXPRESSWAY—OVERPASSES AT HANSON ROAD AND SOUTH ROAD

Mr CAICA (Colton): I move:

That the 195th report of the committee on the Port River Expressway—Overpasses at Hanson Road and South Road, be noted.

The Public Works Committee has examined the proposal to apply $14 million of taxpayers' funds to the Port River Expressway—Overpasses at Hanson Road and South Road project. The previous parliamentary Public Works Committee tabled its report on stage 1 of the Port River Expressway project before parliament on 12 December 2001. The contract for the design and construction of this stage was awarded to Bardavcol Pty Ltd in October 2002, with construction commencing in January 2003.

The work recommended by the Public Works Committee was for the construction of a new 5.5 kilometre, four-lane road link between Francis Street and the Salisbury Highway/South Road connector. Associated with this link was the construction of a major road bridge over Eastern Parade and the adjacent freight rail line, and the extension of Hanson Road from the expressway through to Cormack Road (this was subsequently reduced to Wilkins Road). The junctions with Hanson Road and the Salisbury Highway/South Road connector were proposed to be at-grade and signalised.

A number of new developments have since occurred, which have resulted in a reassessment of these two junctions resulting in an immediate need to construct overpasses at both these locations and to extend Hanson Road to Railway Terrace. These works are now considered a necessary part of the current project. These developments include:

- a proposed development of a future eco-industrial precinct to the north of the expressway, which would see up to 2 000 vehicles a day using the existing Hanson Road configuration within five years
- increased freight rail traffic on the line crossing South Road which will affect traffic signals and road safety in the vicinity of the proposed intersection
- improved opportunities for federal funding as a result of the AusLink process, which has led to additional funds to provide an overpass at the otherwise heavily utilised South Road intersection.

The committee is told that the new constructions will affect neighbouring Barker Inlet and Range Wetlands, and that Transport SA has coordinated with the Department for Environment and Heritage, as well as local authorities, to manage and mitigate any damaging impacts the construction process and the new structures may have. The estimated cost of the overpasses at Hanson Road and South Road is $24 million, with funding to be shared between the state and federal governments. Federal funding of $12 million (a 50 per cent contribution) has since been confirmed. The extension of Hanson Road is estimated to cost $2 million and will be funded by the state government. The total cost of the proposal is $26 million, which brings the overall cost of the expressway to $83 million.

Economic evaluations of the project have indicated that the overpasses are estimated to result in total benefits, in present value terms, of $87.2 million. Comparing these benefits with the additional costs of the overpasses results in a benefit-cost ratio of 3.8 and a net present value of $64 million. The committee is told that the overpasses will eventually become necessary in any event, and that there are significant cost savings to be made in constructing them now rather than waiting for the situation to become critical. The committee is further told that the current contractor for the expressway project, Bardavcol, is considered the most appropriate entity to perform these additional works and will be instructed to design, construct and maintain them as a variation to the existing project. The current stage 1 is on schedule and expected to be completed in September 2004. The completion of the two overpasses is expected in March 2005.

The committee supports the project and commends the proponents for enabling the construction of the overpasses during the construction of the main expressway project. The committee is of the opinion that these overpasses are appropriate additions to the expressway. The committee has supported the provision of overpasses in the past, especially at the South Road intersection, and acknowledges that the financial and delay costs inherent in trying to construct them once the expressway was completed would have been substantial. While the committee accepts that the proponents have undertaken consultation with appropriate authorities regarding wetlands management, it is concerned that much of the public consultation necessary for the project is programmed to occur after approvals from cabinet and the committee have been granted. While the committee accepts the proponents will conduct the necessary consultation, it is of the opinion that it would be, and be seen to be, more appropriate if it were conducted prior to approvals being gained. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr VENNING (Schubert): I rise to support the motion of the member for Colton, the Presiding Member of the Public Works Committee. I will not go into all the detail that was very well put by the chairman, but I think it would be remiss of me not to make further comment on the decisions that have been made in relation to this project. When this project first came to the Public Works Committee, the overpasses were not included in the project and it was the committee which first asked whether, for the additional money, it would be wise to put in the overpasses, particularly the South Road intersection, at the time of construction. That is because, as we know, it would be a huge project with a much greater cost if it was done afterwards.

I did not think for one minute that we would have any chance of success, but I was rather amazed and overjoyed when the word came back from Transport SA that these overpasses would be included. Additional money was found by both the federal and state governments, I believe. Now we will have South Road being further extended to Port Adelaide and, at the same time, underpasses and overpasses will be provided and there will not be the need to have intersections with lights. Members can imagine what that would do with the amount of freight going down this road: they would have to stop and start, there would be noise, damage would be done to the road and also delays to traffic would be very great. So, in a true bipartisan way, I congratulate both the state and federal governments on the fact that commonsense has seen the day here.

I always believe, whether you are a private person carrying out a project or it is a public project (as this is), that, for the sake of a few dollars, you do the job once and do it properly, knowing you will not have to go back and fix it later. Yes, you may have to pull spending on a building in the short term so that you can afford it, but I believe that in the long term we will be very glad we did this. This will be the case particularly when we eventually sort out the bridges over the Port River, and the Public Works Committee has a strong opinion about that. I cannot speak for the committee, but I think the opinion of members is that we cannot justify the huge additional cost of a lifting bridge. Not only is it a huge cost but it also requires extra time and therefore there would be problems in relation to timetables, weight limits and everything else. So, the sooner the government makes the decision that we cannot justify the cost of a lifting bridge and settles for a fixed bridge and we get on with it, the better, for all our sakes.

The Outer Harbor terminal also is part of this project—everything affects everything else—and I hope the government is able to make progress, because we have heard various comments in this house in relation to so-called delays, so-called compensation payments and everything else. But I say this: I hope that we are able to provide 14 metres of water for shipping coming into South Australia, whether it be for the wine industry, the car industry, the container terminal or the new grain terminal. I know our opposition in Victoria at the new port is going for 14 metres at all tides; we are talking about 14 metres at low tide. So, it is certainly a very important issue.

I enjoy my work on the Public Works Committee when it discusses projects such as this. We are not experts, but I believe that we can stand back and, from a layman's point of view, look at a project and say, 'This is a great project, but what about these intersections? They are the difference between its being a good project and an excellent project. Why can't you find the extra money?' And, in this instance, they did find it. I like to think, Mr Chairman, the member for Colton (through you, Mr Speaker), that we on the Public Works Committee made a difference on this occasion, that we earned our stripes and earned the meagre salary that we are paid. I remind you, sir, that it is the smallest payment for any committee in the parliament, and that in itself would stand some scrutiny. I wonder why that is so, because I think we meet more than any committee. The committee has earned its place. As a previous chairman of a committee, sir, you would understand what the committee does.

I want to say on the record that I enjoy this work and that I think I have something to offer in this area. I have my electoral work and this is extra, but I certainly enjoy it. I congratulate the chairman, the committee and our officers for doing a good job. We get on pretty well, and it is good to see that the committee works well, forgets the politics and goes about the job at hand—that is, assessing all the projects which come before the parliament and which come over that golden figure of $4 million. And long may it be $4 million, because we know there was an attempt, by people unmentionable, to raise it to $10 million. Also, sir, as you would know, the committee must always have the capacity to refer to itself its own references. I was very pleased with the support of this house—even on the voices—that said that will be the case, even though there was an attempt by some people, who shall remain nameless, to change it.

So, again, I congratulate the committee. I do enjoy the work. I thank the officers for their work, and look forward to watching the progress of the Port Adelaide Expressway and overpasses project. It was a very interesting reference, and certainly this is a vital project for the state, and the Public Works Committee agrees with it. I congratulate the Public Works Committee on yet another very successful report.

Mr WILLIAMS (MacKillop): As a member of the previous Public Works Committee that looked into the earlier stages of this project (the chairman of the current committee noted looking at the earlier stage of this project, and this is a large and ongoing project), I want to make a few comments and reiterate some of the things that the member for Schubert just said. I happen to know personally a chap who operates a major business at Outer Harbor, shipping produce from South Australia across the wharf. One of the places he ships to is the west coast of the United States. No longer do ships bound for that destination call at Port Adelaide, and he now does his part of the business at Port Adelaide, loads the containers onto trains and rails them to Melbourne where they are put onto the ships to go to America. I say to the committee and to the government that we are wasting our time and money continuing with this project if we do not get the port fixed. If we do not do the right thing at Outer Harbor—and, as the member for Schubert said, that means at least 14 metres at all tides—we will be building a very expensive freeway and railway to nowhere.

I note the chairman of the committee nodding: I am sure that he is nodding in agreement with what I am saying. I congratulate the committee for the work that it has done on this report. I congratulate the government for getting on with this but I wish that it would get on, as the member for Schubert said, with a couple of other things, one of which is the decision on the bridge over the Port River. I think it is time that the government did away with the nonsense about an opening bridge. I do not think this state can afford it and I do not think it is necessary at all. Also, the government should get on with the decision about Outer Harbor, so that

the producers of this state know that they can get their produce over the wharves to world markets.

We have been telling producers for a number of years now that their future is in exporting. If you cannot export out of Port Adelaide, why would you set up business here in South Australia? If you were forced to send your wares to overseas markets through Port Melbourne or another major port on the eastern seaboard, you would set up your business operation there, nearer that port. It is vital to this state that those decisions be made and made as soon as possible.

Motion carried.

The SPEAKER: For my own part, I am apprehensive about the general principle involved in the expenditure, especially on this project, since it will involve what from public announcements has been the very high cost of a bridge that will open, and that was not contemplated at the time that, in general principle, the project of the Port River Expressway was agreed to. It completely changes the viability of the total capital costs involved in constructing the infrastructure at Outer Harbor, adding to it the cost of the expressway and the opening bridge across the river, when compared to the total capital cost of establishing a deep sea port and infrastructure to it in some other place on the South Australian coast.

No matter how often I do the calculations, in a matrix algebra context, I come to the conclusion that we have now made an enormous blunder that will probably cost the state around $40 million to $50 million more to obtain a solution than it would have otherwise cost if we had had all those options on the table at the time the decision was made to proceed with the facilities for bulk handling of grain at Outer Harbor, with the facilities for the bulk handling of containers and so on at Outer Harbor, and with the cost of the construction of this expressway, called the Port River Expressway, incorporating the item that has been particularly under the scrutiny of the Public Works Committee and now the subject of this debate.

My own analysis over many years, dating back to 1976, was that at some point in the near future South Australia would have to decide. as cargo vessels grew in size, whether it would continue with the high cost of maintaining the channel after dredging it either to the Inner Harbor or the Outer Harbor as compared to the cost of the construction of another facility elsewhere on the coast, and at that time looked at prospective sites to see if they were suitable and what infrastructure would have to support them. At that time I came to the conclusion that Point Riley/Mypony Point as a location was probably an ideal location for the next 200 years for South Australia, more strategically located in relation to the total costs of moving freight for export purposes out of the state and bringing imports in to the state where they were brought in by sea.

I thank members for the opportunity to make those remarks and will not further develop the point that needs to be made about the essential infrastructure that would connect to that and how that impinges on either the need to have avoided building the tunnels called the Heysen tunnels and, instead, have gone for tunnels straight through the Hills from the old Greenhill Quarry portals to the eastern side of Mount Barker, somewhere in the Nairne Creek Valley. All those aspects have been ignored because of a piecemeal approach taken, of necessity, by the public sector in advising ministers of both political persuasions during the last 24 years that I have been here, instead of looking holistically at what the state's real needs were.

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

A quorum having been formed:

DISTINGUISHED VISITORS

The SPEAKER: My attention has been drawn to the presence of distinguished visitors in the gallery in the persons of a delegation from the Republic of Korea's Provincial Council of Chungcheongnam-do, comprising: Mr Lee, Bok-gu, Chairman of the Provincial Council; Mr Jeon, Young-hwan, Chairman of the Steering Committee; Mr Sim, Jeong-su, Chairman of the Administration Autonomy Committee; Mr Yu, Byeong, Chairman of the Education Community Committee; Mr Song, Min-gu, Chairman of the Agriculture & Fisheries & Economy Committee; Mr Kang, Tae-bong, Chairman of the Construction and Firefighting Committee; Mr Kim, Jong-hwa, Secretary to the Chairman; Mr Jo, Won-sig, a staff member from the legislature; and Mr Kim, Hyeon-keong, also a staff member from the legislature.

I point out to honourable members that, under the terms of the agreement concluded between the Chairman of the provincial legislature in Chungcheongnam-do and the Speaker of the House of Assembly, Speaker Oswald, a few short years ago, an expression of intention was agreed that the two parliaments would exchange visits with each other. For the benefit of honourable members, can I point out that, in their political system, Korea has federated from the top down and that provincial government is a recent thing and still evolving. However, the difference between that government and ours is something which honourable members may wish to examine in the course of conversations they have with the distinguished guests we have in the gallery, perhaps in the course of dinner this evening or later tomorrow during the course of proceedings.

Nonetheless, I point out to honourable members that the governors in America are elected to their office and are the most senior politicians in their democracies. The chairs of the committees are somewhat similar to ministers, in that their duty is to give oversight to the way in which the public service implements the policies as determined by the government and that the appropriations, as have been made by the legislature, are adhered to by the bureaucracy in the way in which they are used in discharging those policy goals. There are some other interesting differences which might emerge during the course of conversation and perhaps during the course of a visit from the members of this parliament to Chungcheongnam-do shortly, during the course of the next few months.

On behalf of the house, I welcome them and invite the leader of the delegation, Mr Bok-gu Lee, to take a seat on the floor of the house. I ask the Premier and the Leader of the Opposition to conduct Mr Lee to the chair and accommodate him with a seat on the floor of the house and, in so doing, personally extend to the honourable gentlemen who comprise the delegation my welcome.

PUBLIC WORKS COMMITTEE: MAWSON LAKES RECLAIMED WATER SCHEME

Mr CAICA (Colton): I move;

That the 169th report of the Public Works Committee, on the Mawson Lakes Reclaimed Water Scheme, be noted.

The Public Works Committee has examined the proposal to apply $7.961 million to the Mawson Lakes Reclaimed Water Scheme.

An honourable member interjecting:

Mr CAICA: Yes, they are all excited. This report details the proposal by the Land Management Corporation (LMC) and the South Australian Water Corporation (SA Water) to implement a world class water resource management system at Mawson Lakes at an estimated cost of $7.961 million including a contingency and excluding GST. The contribution from the state government is $6.708 million, that is, 91 percent; the Land Management Corporation, $5.629 million; and SA Water, $1.79 million. The balance of $1.243 million is contributed by the Mawson Lakes Economic Development Joint Venture.

Key elements of the proposal include:

- a proposed 8.7 kilometre reclaimed waste water pipeline from Bolivar waste water treatment plant, which requires the construction of a 300 millimetre diameter pipeline and associated pumping system from Bolivar to Mawson Lakes to deliver class A reclaimed waste water to the reclaimed water facility at Greenfields;
- a proposed 2.9 kilometre reclaimed storm water pipeline from Parafield water harvesting scheme, which requires the construction of a 225 millimetre diameter pipeline from Parafield to Mawson Lakes to deliver class A reclaimed storm water into the reclaimed water facility at Greenfields; and
- construction of a reclaimed water facility at Greenfields comprise of a balanced storage tank, disinfection station and reticulation pump station in order to deliver class A reclaimed water into the reclaimed water network known as the Lilac system.

The proposal will reclaim waste water from the Bolivar sewerage system, adding reclaimed storm water from wetlands adjacent to the Mawson Lakes development and supply this reclaimed water to the residents for toilet flushing and domestic irrigation, and to meet municipal irrigation needs within the developed area. The proposed works:

- will be jointly funded by LMC, SA Water and the Mawson Lakes Economic Development Joint Venture, and provisions have been made in the respective budget programs for the capital cost of the project, estimated at $7.96 million, including contingency and excluding GST;
- are to be constructed by contractors on behalf of LMC and SA Water in accordance with SA Water's specifications; and
- will be constructed on land owned by various owners, currently being SA Water, LMC, City of Salisbury and rail authorities ARTC and TransAdelaide.

The committee is told that the recurrent costs for the project will total $142 500 per annum. Water from the project will be sold to Mawson Lakes residents for approximately 75 per cent of the state potable water price, and is expected to generate revenue of about $400 000 to $450 000. The committee is told that the project has a benefit:cost ratio of 1:40 and a net present value of around $5.2 million. The scheme is scheduled to commence construction in January 2004 and be commissioned by September 2004.

The committee strongly supports the water reuse principles underlying this project and commends the various participants. The committee is of the opinion that over time not only should this scheme be extended, subject to capacity, to all those in adjacent areas capable of accessing the system but that similar schemes become a regular feature of future development in South Australia. The committee acknowledges the participation of the City of Salisbury and notes the substantial commitment to water reuse demonstrated by the council not only through this scheme, but also through its extensive wetlands system and storm water mining operation.

Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT WATERFRONT REDEVELOPMENT SITE REMEDIATION WORKS

Mr CAICA (Colton): I move:

That the 197th Report of the Public Works Committee on the Port Waterfront Redevelopment Site Remediation Works, be noted.

The extremely hard-working Public Works Committee has examined the proposal to apply $27 million of taxpayer funds to the Port Waterfront Redevelopment Site Remediation Works. The committee is told that the government intends to enter into a development agreement with Newport Quays Development Consortium for the redevelopment of 50 hectares of surplus government waterfront land to achieve broad environmental, social and economic outcomes for Port Adelaide and the surrounding region. The committee is told that it is the government's intention that the redevelopment will act as a catalyst for regeneration of the Port Adelaide area through the achievements of specific paramount objectives. The objectives are centred on environmental, economic, financial, lifestyle and urban design priorities.

Under the proposed development agreement the government, through the Land Management Corporation, will procure the land's remediation on a precinct by precinct basis. Once remediated, the land is then ready for development and the government receives part of the sale proceeds, being an amount sufficient to cover the costs incurred to that point.

The land's remediation and sale to the development consortium comprises the government's principal responsibility under the proposed development agreement. The land will progressively transfer to the consortium, which will undertake all development works upon transfer. Land remediation will encompass site demolition and clearance, as well as geotechnical and environmental rehabilitation. Base estimates of the remediation costs are $27 million (or $33.61 million indexed), which will represent capital obligations on LMC to be funded from within working capital of the corporation. Future development anticipates establishment of approximately 2 000 residential units in various configurations ranging from townhouses to multi-storey apartments, together with approximately 29 000 square metres of commercial development and 33 000 square metres of industrial development. The estimated end value by the proponent of this development is approximately $1.2 billion upon completion. Subject to the execution of the development agreement, LMC would be primarily responsible for a range of tasks, including:

- providing cleared, unimproved land and all aspects of site remediation, including cost;
- arranging transfer of all titles within each precinct;
- obtaining amendments to the current development plan to facilitate the scheme;
- obtaining government approvals for the project;
- entering into a project commitment agreement with the Port Adelaide-Enfield Council and Newport Quays;

- participating in a coordination group with Newport Quays and Port Adelaide-Enfield Council, and contributing $300 000 per annum (over 10 years) to be matched by the other parties for place management; and,
- accepting ownership of the revetment walls, or sheet piling, that separate the water from the land.

Newport Quays' primary responsibilities, post remediation, include:

- pay Land Management Corporation on transfer of the land to the special purpose vehicle consisting of separate entities established by Newport Quays for the development of each land parcel or precinct;
- design the precincts in accordance with the established urban design guidelines;
- achieve continued ESD improvements across all stages;
- on ultimate sale of the built form, pay the government a percentage share of the gross revenue;
- complete the whole development in 14 years; and
- annually measure performance against project objectives.

The committee is told that the development has been the subject of extensive public and agency consultation through its development. The committee is told that the public consultation processes focused on informing the community of the development of the preferred master plan and encouraging public awareness and support for the redevelopment of the port. The committee is told that part of the effect of the project will be to support ecologically sustainable priorities, including the rehabilitation of land which has been contaminated over the past century, improving water quality in the Port River, encouraging higher density housing and facilitating integration between the residential development and public transport.

Sale proceeds will be received in two tranches. The first tranche is a base development right which is a predetermined payment per precinct indexed at 2.5 per cent and which is in excess of the anticipated land remediation costs. In the worst case, this results in a cost neutral position for the government; best case is a small net surplus. The second allows for a percentage share of the gross sales proceeds from the built form construction by the consortium. The committee is told that the landholding costs and property maintenance over the period of the remediation will total $7.6 million.

The costs diminish over the course of the project as each precinct is sold off. Total project costs are not significantly affected by a project delay of up to four years, which is the maximum period of delay before the development agreement would expire. Project management costs for the project total $1.1 million over the life of the project. Over the period of the remediation, the working capital from the cash and other working capital resources of the corporation has a net interest inflow of $1.4 million. This reflects the net cash positive position over the life of the project.

Economic analysis of the project reveals a net positive balance for the state of $3.8 million and a further percentage of gross sales, in addition to broader economic benefits, including:

- $900 million in construction work and 2 000 on-site and 5 000 off-site jobs; and
- additional local government rates revenues of approximately $23.274 million over the life of the project rising to $127.8 million in the post-development period.

The committee is told that the first precinct will commence design work in April 2004 and be completed in November 2006. The development will be staged over the following four years, with the final precinct being completed in October 2010. The committee will maintain an ongoing interest in the remediation process and has been told that it will make the affected land fit and safe for the uses proposed. The committee supports plans to redevelop the port and encourage its general amenity, functionality and tourist and cultural potential.

The committee is of the opinion that the local community also shares a desire to see the area redeveloped and improved. Evidence presented to the committee has indicated that public consultation processes for the remediation project and the subsequent development have been extensive and appreciated by the community, notwithstanding differences over specific details. The committee is of the opinion that the proponents should continue their efforts to liaise with and inform the community as the project progresses. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT PROGRAM

Adjourned debate on motion of Mr Caica:

That the 192nd report of the committee entitled Upper South-East Dryland Salinity and Flood Management Program, be noted.

(Continued from 12 November. Page 749.)

Mr WILLIAMS (MacKillop): It is with a great deal of pleasure that I rise to speak to this motion to note the 192nd report of the Public Works Committee into the Upper South-East drainage scheme, or the ongoing stages of this flood mitigation and dryland salinity scheme. Madam Acting Speaker, as you are aware, we both served on the previous Public Works Committee and looked into one of the earlier stages of this particular project. The project is wholly within my electorate and it is a project which I have said many times in the house is essential to maintain the environmental integrity of the Upper South-East of the state. The Upper South-East is an area of land cleared of much of its native vegetation not too long ago—certainly since the war, since the 1950s. When clearing that land most of the land-holders were planting it down to lucerne and during the late 1970s a couple of insects decimated the lucerne that was growing in that area and across other areas of the state. As a result of that we now have rising ground watertables because the lucerne was using a similar amount of the rainfall and naturally occurring water as was the native vegetation, but, as a result of the demise of the lucerne, the major plant species in most of the area are annual grasses, which use only a fraction of the total rainfall; consequently the watertables are rising, bringing the underlying saline ground water nearer to the surface and causing huge areas of dryland salinity across that region.

In the early 1980s, about 1982 or 1983, a number of land-holders started to talk about how to resolve this problem. It is worth noting that some of this land has always had salt scalds on it and always had salinity problems, but certainly it has been exacerbated since the watertables have risen. In the early 1980s some land-holders started to talk about the problem, and it was over a period of almost 10 years that much more attention started to be paid to this issue. In the early 1990s an environmental impact study was carried out with the idea of using a major drainage scheme to lower the existing watertable level and to run excess surface water off the landscape in a more timely fashion than what was

happening naturally. Even though it was heavily covered with native vegetation prior to the clearing to which I referred a few minutes ago, it is worth noting also that the Upper South-East traditionally has been a very wet area. George Goyder, the famous surveyor general of this state, in 1864 stated that in his estimation about half of the area south of Salt Creek became inundated every winter to a depth of between one and six feet. It has been a very wet area. Of course, one of the things we have done in the South-East is that we have diverted a lot of water, which naturally flowed in a north-westerly direction from the wetter Lower South-East, or the area where the higher rainfall occurs, more directly to the sea via a number of drains in the Lower South-East. That process started in the mid to late 1800s and continued up until the 1970s.

I certainly support the final conclusion and recommendation of the Public Works Committee that these works are essential and should progress, but there are a number of matters which I would like to bring to the attention of the house. There are a number of issues which do concern me, not only as the local member but also as a South Australian. This project should have been completed at least several years ago—probably three or four years ago. It has gone on and on and the costs have blown out substantially. On page 5 of the report, under the heading 'Project background', the committee gives a couple of examples of why and how costs have blown out. They quote Tilley Swamp and the report states:

> . . . the original alignment proposed a drain in the middle of the Tilley Swamp at a cost of $0.8 million, but in practice the size of the drain to cope with the volume of water, meet Native Vegetation Council conditions and Aboriginal heritage issues required significant changes in alignment and cost $4.5 million.

So one relatively small part of the scheme blew out from $0.8 million to $4.5 million. No wonder the land-holders in the area are scratching their heads and saying, 'What went wrong? After our already contributing more than $6 million, are we being asked to contribute another $11 million towards this project?' Even though the committee cites a number of causes for that blowout the main one, in my opinion, was the one to meet the Native Vegetation Council conditions. I highlight that the Native Vegetation Council has put conditions on many aspects of this drainage scheme that have been very costly. This scheme, which started out to be an agronomic scheme to improve the agronomic outcomes for the region, has turned into an environmental scheme; and that has seen the original cost blow out from $24 million to what will be $70 million or $80 million when it is completed. I am not sure the state can actually afford what we are spending there.

Let me say that an integral part of this scheme is a levy on land-holders, some $11 million on the land-holders in the region, and the government has come up with an idea that the land-holders, instead of paying cash for the levy, will be able to trade off biodiversity, whether it be native vegetation or wetlands or some other form of biodiversity, to offset their obligation under the levy. It is hoped that the $11 million—and it is stated in literature published by the government—will protect and provide for management agreements over some 35 000 hectares of land. A quick calculation indicates that that works out to about $314 a hectare. I think this is one of the stumbling blocks the government will have when it is negotiating with the land-holders in the area. I am told the government is talking about a maximum of up to $400 a hectare for pristine scrub.

I point out to the house that recently a significant land-holder in the area found himself in court because of action taken by the Native Vegetation Council, and the court chose to value the land that this particular land-holder had re-cleared—it was regrowth, so it was hardly pristine native vegetation—at $800 a hectare—double what the government is hoping to use as a trading figure when negotiating with land-holders. I think the government may find it will fall well short of the 35 000 hectares it wishes to protect with the $11 million offset through the levy and biodiversity trading scheme it has put in place.

I hope that this will not undermine the project because it is essential this project goes ahead as quickly as possible. As I have said previously in the house, we in the Upper South-East have been saved from an environmental disaster by a string of dry years over the past 10 years. If we had had two or three wet years in that period, we would have an environmental disaster in that area right now. I hope that will not hold up the project.

One other point I would like to make is that a little over 12 months ago this parliament passed the Upper South-East Dryland and Flood Management Bill. When the minister brought that bill to the parliament he said that it was absolutely essential that he have those additional powers to acquire land so that this project could proceed. It is now 14 or 15 months since that bill was passed, yet we still have not seen one sod of dirt dug in this drainage scheme. In fact, the scheme is getting further behind its schedule all the time, and I hope that the government and the agencies involved can get on with the job and get the drains dug and the scheme operating for the benefit of the Upper South-East.

The Hon. M.R. BUCKBY (Light): I wish to make a contribution on this particular issue because in 1991, when I was working at the Centre for South Australian Economic Studies, I undertook the economic impact study of the Upper South-East Drainage Scheme for the government at the time. At that time, the estimated benefit to land-holders in the area was to stop a degradation of land of some 8 per cent per annum. This land was being affected by the rising water table and salinity levels in the ground water at that particular time. That is 13 years ago, and I find it incredible that, as the member for McKillop has said, not one sod of soil has been turned in this project in what 13 years ago was viewed as a project that needed to be undertaken posthaste, so to speak, because of the degradation and loss of grazing and cropping country in the Upper South-East.

I can only support the member for MacKillop's comments that this has now hung around for another 15 months, when it should have commenced. I urge the government to commence this project and not to delay any longer, because it is critical: once the land is lost to salt degradation, it is almost impossible to return it to its former state, which means that you end up with farmers losing highly productive land and predominantly flat land—the black flats in the Upper South-East are most highly productive land—to salinity. The sooner these drains are dug, the better. As the member for McKillop said, farmers and graziers in the Upper South-East are fortunate that, over the last few years, the weather pattern has been somewhat dry and the water table levels have been lower, so it has not had quite the impact that was expected when the economic impact study was undertaken in the early 1990s. I commend the report to the house, but I also say to the government that it is imperative that this project be acted on posthaste because, once this land is degraded and becomes

saline, it will probably take 20 to 30 years to return it to its former state.

Mr VENNING (Schubert): I, too, support the motion and commend this report to the house, and I also commend the Public Works Committee, of which I am a member. This was an extremely interesting reference—

The Hon. J.W. Weatherill interjecting:

Mr VENNING: If you do not pat yourself on the back, minister, who will? I do get my share, but I always ensure that the average is kept pretty high. In all seriousness, this was a very interesting and very important reference. I want to pay tribute to the many people who, over many years—from the early 1950s when a large proportion of this state was non-arable—have been involved in this project. In fact, my cousins lived at Millicent and my uncle went to Millicent for the express purpose of surveying all those south-eastern drains. His name was Evan Tylor, he worked for the EWS department, and he did a great job surveying the drains. We see even today, 40-plus years on, how well that has worked. Of course, the job was never completed and we are seeing more works to the north of the channels in the Millicent area being brought into being.

I am very concerned (as are the member for McKillop and others) about these so-called delays, because it is urgent. This project will not only bring the land into production but also stop the rising salinity. To see the creep of salinity, particularly in the south-west in the Keith area over the last 20 to 25 years is frightening. There is nothing worse to a farmer than salt: it is ruinous. Nothing grows in salt apart from saltbush and a few other things that we cannot readily use commercially. I certainly agree that, over the years, the opening up of this area of the state for production has been driven by economic means and it has been very successful. However, as the member for McKillop said (and I agree), of late it has been driven more by the environmental push, which, as long as it goes the same way I have no problem with but, when it clashes and works contra to the original intention of opening up this area for production, I am concerned.

I raise particularly and specifically what some people call heritage agreements, but they are really called biodiversity trade-offs and usually involve a farmer who owes the government so much money for their part of the scheme. In many cases, it involves large amounts of money because, as others have said, the values are now very much inflated because it has got out of hand and some of these projects are now huge whereas, if it had been done years ago, it would have been much cheaper. These landowners are indebted to the government for lots of money, and what happens is that they trade off some of their property. In other words, they agree to lock it up; that is, they fence it and they no longer farm it, and they are paid X dollars—the figures have been mentioned, so I will not mention them again—to leave this land out of production. They then receive this money and they pay their part of the scheme. I think that is sad, because I believe that, if it is productive land and economically productive, it ought to stay in production.

By the same token, if it is environmentally very sensitive, I can understand and I would agree but, in most instances, that does not come into it: it is a piece of land that they take out of production, irrespective of its economic productivity, because some of these people have no choice but to enter into these agreements because they cannot afford to pay the government the amount of money that they owe. I am concerned about that. We flew over this area—and the member for Colton was in the chamber but he has left—and it was very sad to see the clearing that was occurring. I thought that that was a bit unfortunate. When you realise—

Mr Meier interjecting:

Mr VENNING: Yes, clearing was going on purely because of this silly rule about regrowth; that is, if you allow your regrowth to get over five years old, you are not allowed to clear it any more. So, guess what, at 4½ years they flatten the lot. Isn't that stupid? We need to change the rule so that people can apply to clear it at a later date. The five year rule ought to go. What we have is acres of totally bare land. No-one—not I nor anyone else—would support that, but I can understand the landowner doing it because, if they did not, the five year rule would apply, and then they would be prohibited from doing it. They have no choice. I believe that the house ought to address this matter and that the Native Vegetation Council ought to change the regulation so that a person who has regrowth which is over five years old should be able to retain the right up to a given period, say, 10 years, or whatever members like—

Mr Williams: Fifteen.

Mr VENNING: 'Fifteen years', the member for MacKillop says; I am happy with that—to clear that land because it has been cleared previously. In that way we will get larger stands of natural bush and it will also do a large amount to improve the natural environment of the area. This bash and burn that is currently occurring should not be happening. What these people are currently doing is sad, but it is within the law. We need to change the law to encourage them to let the natural bush grow back. Again, I commend the Public Works Committee on its work on this matter. We visited the area. We were lucky enough to fly over the area at low level and we also drove across it in a vehicle. It certainly is a major work, especially when you see the number of cuttings that have been put in, particularly the larger one which ends up near the sea and which basically goes through two ranges.

It is extremely deep. You could fly an aeroplane in the gutter, and it is a massive piece of earthwork. I was totally enthralled to see a drain going over a river: there are two watercourses crossing each other, and it is quite fascinating. They are quite separate, of course, and at different levels, and also one was fresh water and one was salt water, so they were not mixed (there is an ability to mix them). A lot of thought has gone into this project over the years and I think it ought to become a tourism venture because people who are interested in the environment would like to know what man can do to improve his environment rather than despoil it. I think it should be open to everybody to go to see what can be done.

I also pay credit to all the farmers and landowners down there. I believe that most, if not all of them, do the right thing but the worst that can happen is for them to be pushed by the government and told 'You shall.' If we encourage them, I am sure they will do the right thing.

Finally, I pay tribute to our officers. Madam Acting Speaker, you would know because you were a previous member of the Public Works Committee that, as I said before, all committees are paid a similar amount of money. But the Public Works Committee has put out four reports, and members can imagine the work that our officers have done to prepare these reports. And they have to stack up, because we are the vetting body in relation to the public moneys, and the reports have to be done professionally. We are not like

some of the other committees, one of which I used to chair, which puts out a report every seven, eight, ten or twelve weeks (it varies): we have four reports today. Again, I pay the highest tribute to the members of the committee, particularly Mr Keith Barrie, our secretary, and Dr Paul Lobban, our research officer. They do a great job and we appreciate that, and I hope the parliament does, too. I support this report.

Motion carried.

TOBACCO PRODUCTS REGULATION (SMOKING IN THE CASINO AND GAMING VENUES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 1089.)

The Hon. W.A. MATTHEW (Bright): I support this bill and, in so doing, commend the member for Mitchell for bringing it to this chamber. In his second reading speech the member for Mitchell indicated that, while this bill is a health measure, at the same time it has the potential to assist with problem gambling. The bill, as I read it, only affects the casino and gaming venues at this stage. It goes no further than that. But I believe it is an important first step in combating the health problems associated with smoking and, importantly, those people who sit at poker machines for long periods of time and do smoke may be more inclined to leave those gaming machines and have their cigarette in another part of the venue or outside the venue, thereby providing a break in their continuous use of poker machines. I see this as being one of a number of pieces of necessary legislation to cover the two aspects focused on by this bill—that is, an endeavour to reduce smoking and combat the associated health effects and also an endeavour to reduce people's attraction to problem gaming.

I was a member of this house when, regrettably, the decision was taken to implement poker machines in South Australia, and I participated at that time in the debates. Indeed, I warned the house, as did many of my colleagues, about the insidious nature of these machines and that, within a decade, I and my colleagues foresaw the time when there would be a need for various legislative mechanisms such as this to combat the problem that was being created.

I am somewhat concerned that a number of people are endeavouring to recreate history in regard to poker machines and, indeed, the Minister for Gambling is a prime offender in this area because he endeavours to recreate history associated with poker machines by what he leaves out from that which he says rather than the actual content of what he imparts to South Australians publicly and through this house. The fact is that poker machines were introduced into South Australia by a Labor government—there can be no ifs, no buts, no denials. Poker machines were introduced into South Australia by a Labor government. It is, therefore, the Labor Party which must take full responsibility for the insidious consequences of what it has done. It is all very well for their premier or various ministers to say they are doing their bit to reduce this problem: it was the Labor Party that gave South Australia poker machines.

Of course, it was a conscience vote—or so we thought—but I was also here on that appalling night when the bill went to the other place. When the final vote was to be cast, it was a Labor member of parliament who got to her feet and asked that the house be suspended until the ringing of the bells. The purpose for that suspension was quite simple: it was so that one Labor member of parliament (the Hon. Mario Feleppa, a man for whom I have very high regard) could be taken into the office of a Labor minister and monstered into changing his vote. It was a Labor government that brought poker machines to this state.

That is why I commend the member for Mitchell for having the courage to stand up to his former party yet again. The member for Mitchell has already stood up to the Labor Party in this house and said, 'I do not want to be a part of this outfit' and has become a Greens MP, and is now also standing up to his former colleagues on matters in relation to poker machines.

It would be very interesting to see whether the Labor Party has been given a conscience vote on this bill today. Through you, Madam Acting Speaker, I invite the minister to contribute to this debate and advise the house whether he has a conscience vote on this legislation and, if so, whether he supports it. Will the minister support this legislation put forward by the member for Mitchell? I believe there is an opportunity, with the time we have available today, for the house to pass this bill quickly through all stages so that it can go to the other place and become law. This is an opportunity for the Minister for Gambling to stand in this house and put on the record what he believes about this bill, for it will go some way toward reducing problem gambling.

Indeed, I would advocate that this bill will do a lot more to reduce problem gambling than will the solutions the minister has been talking about publicly, such as reducing the number of poker machines. We have a minister talking about reducing the number of poker machines. I put to this government, through you, Madam Acting Speaker, that if you were to reduce the number of bottle shops to reduce problem alcoholism, that would not solve the problem. Here is a challenge for the gambling minister and his colleagues. They can support this bill and do something today towards reducing problem gambling. The minister has his opportunity to stand up in this house and support this bill and do something today about problem gambling.

He should do something that will actually encourage people to walk away from those machines; something that will encourage a break in their pattern of usage; something that will reduce the amount of time they spend sitting before poker machines. That is a far more effective way of encouraging people away from machines than simply reducing the number of machines. Simply reducing the number of machines is not going to solve the problem, as people who are problem gamblers will still have access to machines. To use that logic, as I was endeavouring to say before the minister was so rudely yelling above me, cutting the number of liquor sales outlets will not reduce alcoholism. You need to treat the problem at its core.

This is one measure that provides a double benefit. It provides the benefit of discouraging people from smoking and provides the benefit that, where someone sits in front of a poker machine and smokes, you at least get them away from the machine so that they can carry on their habit elsewhere, and it gets them away from that continual push of the button, the blink of the lights, to encourage them to continue. I am looking forward to contributions by government members to this bill. I would hope that they had been given a conscience vote, because this is the sort of issue on which members of parliament would normally have a conscience vote. It involves gaming. It is also an important health issue. If this government does not support this bill, they will stand condemned in the eyes of the parliament and the public as

hypocrites for not following through the words of the Premier, his minister and other members of the Labor Party.

Frankly, if they do not support this bill, it adds strength to the fact that the member for Mitchell walked away from the Labor Party as no longer being a true Labor Party of conviction, for I have seen in this parliament the Labor Party of today departing from the roots of traditional Labor, where you had members who came into this place with honour, integrity and a genuine desire to stand by their principles, to stand by the Labor Party principles and to deliver what they believed was the right thing for South Australians. This is simply a government of expediency.

Mr Meier interjecting:

The Hon. W.A. MATTHEW: As my colleague the member for Goyder indicates, he would expect—and I too would expect—the Premier personally to require his members to support this bill, just as the Minister for Health ought to be supporting it for health reasons. I commend the member for Mitchell for bringing this important piece of legislation to our house, and I look forward to my colleagues supporting it and to seeing the members of the Labor Party exercising their conscience and also voting for this bill.

Mr RAU (Enfield): I was not going to say anything, until I heard the member for Bright. I was reminded of something I had to read when I was in high school, I think from *Julius Caesar*, where someone said, 'Friends, Romans, countrymen, lend me your ears: we come here not to praise Labor but to bury it.' That seems to be all that the member for Bright has been on about in his speech. He has been trying to stir us up. Of course, we do not get upset by things like this. We are the most peaceful, sublimely satisfied people you could possibly imagine. We are like one big happy family. We sit over here and we think about you people over there with all your differences. All of you are nice people individually, but we know you have your difficulties, and the member for Bright does a fantastic job of deflecting attention from this across here.

But look at us all: we are all as one on this issue. I suggest that we try to look at how we can actually solve the problem of gambling. That is an important issue, and I think the member for Bright actually makes some very good points about that, because gambling is a real problem in our society. If I had been here some years ago when the vote was taken on poker machines, I am happy to say that I would have voted against them. Indeed, I remember making phone calls to Mario Feleppa at that time saying, 'Look: the silent majority don't want to you vote for this thing.' I am a long-term opponent of poker machines, and I think we seriously have to look at the best way of modifying the addiction that the community—and, more importantly, the state government through the Treasury—has to poker machines.

With the greatest respect to the member for Mitchell, who I know is bringing this forward with the best of intentions, I think we need to have a very good look at the report from the Independent Gambling Authority, see what it is putting up and see what solutions it might offer to this very complex problem. After all, it has spent a long time working on it. It has thought about nothing else but this for a couple of years. The Independent Gambling Authority has spent days and sleepless nights thinking about this problem. I know that the member for Mitchell has also, but the authority has a far more complex solution to this, and what we need to go for is the holistic approach: the legislation that the Premier has foreshadowed will be coming into the parliament. That is where we will see a real opportunity for us to deal with these problems.

I would like to be able to satisfy the member for Bright by a number of us over here getting upset with what was a very clever baiting: I give him 9.5 out of 10 for the baiting, because I felt myself rising a couple of times. It was only the member for Mitchell saying to me, 'Calm down' a couple of times that actually kept me together! But I am now restored, and I just want to say that the honourable member will have to do better than that if he really wants to get us seriously provoked. On a more serious note, please let us put off this important debate until we have the legislation that will be dealing with the whole package. That is where we can all have a serious look at the problem. I invite the honourable member to start issuing invitations to us then, because the one thing we do know is that there is going to be a conscience vote, and everyone in here will be able to say exactly what they think about it.

And it is going to be very interesting. We exercise our consciences constantly. We are in the happy position where we think as one, and that is why we have a single position on this. We look forward to a proper debate when the legislation comes forward recommended by the Independent Gambling Authority.

Mr SNELLING (Playford): I move:

That the debate be adjourned.

The house divided on the motion:

AYES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Hill, J. D.
Koutsantonis, T.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Snelling, J. J. (teller)	Stevens, L.
Such, R. B.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (18)

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

PAIR(S)

Rann, M. D.	Kerin, R. G.
Geraghty, R. K.	McFetridge, D.
Key, S. W.	Goldsworthy, R. M.

Majority of 3 for the ayes.

Motion thus carried.

The SPEAKER: Can I say to the house that honourable members in private members' time are entitled to expect that the measures of which they have given notice will be dealt with in a timely manner and that I would have thought that 15th of October was a fairly adequate measure of notice.

STATUTES AMENDMENT (RENAISSANCE TOWER-GAMING AND LIQUOR LICENCES) BILL

Adjourned debate on second reading.

(Continued from 24 September. Page 276.)

Mr HANNA (Mitchell): This measure has had the support of the opposition and my support for many months now and it is time to bring it to a vote. The Independent Gambling Authority report in its reference to trading of licences lends support to the argument which underpins this measure, and I commend it to the house.

The Hon. J.W. WEATHERILL (Minister for Gambling): Can I just address the member for Mitchell's observations about this matter, for the benefit of other members. Members may not have yet had the opportunity to consider the full report of the Independent Gambling Authority into gaming machine numbers. You recall that I invited the Renaissance Towers, or at least the corporate entity which once traded in those premises, to make their submissions to the Independent Gambling Authority.

In fact, they made their submissions to the Independent Gambling Authority, which made recommendations specifically about the fate of the licences that are held by the former premises in the Renaissance Centre. Indeed, the system of trading which is contemplated in the report would, in fact, allow the Renaissance Centre to receive the relevant value, if you like, for its licence once the relevant reduction in its licence, as has taken place for all other premises, has taken effect.

Members interjecting:

The Hon. J.W. WEATHERILL: No. This is a very different proposition. This is a different scheme from the one laid down by the Independent Gambling Authority. It would be quite inappropriate and very inequitable if this particular licence holder were to have an advantage not enjoyed by any other licence holder. The Independent Gambling Authority listened carefully to the concerns of the Renaissance Centre, took those concerns on board and addressed them in its report. My legislation, which will be brought to the house very soon, will address that question and address the Renaissance—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, the honourable member interjects that somehow this should be fast-tracked ahead. The whole point that I made—

Members interjecting:

The Hon. J.W. WEATHERILL: We have a system that we are trying to deal with, and somebody wants to part settle the system ahead of everybody else. It is completely inappropriate and inequitable for one licensee to be able to get through—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, they persuaded the Independent Gambling Authority that they had a case, and the Independent Gambling Authority has proposed a remedy. I ask honourable members to respect that process. I undertake to the house that I will ensure that the bill that comes to the house will provide the specific relief that the Independent Gambling Authority proposes for the Renaissance Centre. So, it is in that sense—

Members interjecting:

The Hon. J.W. WEATHERILL: I do not know what their position is in relation to that, but I do know that they had an opportunity to put their case before an independent authority. In large measure, that independent authority has agreed with their proposition, although it has located their opportunities for dealing with their licence within a certain context, that is, the context of the scheme of trading which it proposes will be incorporated into the new legislation. So, it is entirely proper that we await that scheme and that they be dealt with within that scheme. As I understand it—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: The Roosters have also had an opportunity to put their concerns to the Independent Gambling Authority.

Members interjecting:

The Hon. J.W. WEATHERILL: There was a very different situation with the Roosters. What we did was simply to put a holding pattern in place and to preserve their circumstances. What the Renaissance Centre was seeking—

Members interjecting:

The ACTING SPEAKER (Ms Thompson): Order!

The Hon. J.W. WEATHERILL: —was final relief. Essentially, it was seeking to be able to conclude their rights finally in relation to gaming machine licences. All those issues are still potentially up for grabs for the Roosters. The Roosters may or may not be able to continue trading their licences. All we did in relation to the Roosters Club was simply to give them an opportunity to find another remedy. The same opportunity has been afforded to the Renaissance Centre. It has taken that opportunity and has persuaded the authority, and now I think that we should at least pay the authority the respect of implementing the proposal that is being sought.

I ask those opposite whether they have consulted with the Renaissance Centre. It may well be the case that it is better off under this proposal of the Independent Gambling Authority, so members opposite should be very careful in advancing a solution before those for whom they seek to advocate have expressed their views. So, I think it is premature to pass this motion and, therefore, affect these legal rights ahead of proper debate before the parliament.

There is no extraordinary urgency in the Renaissance Centre case. As I understand its contention, it wanted simply to sell its entitlements. That arrangement will be available under—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, you are welcome to send it to them. I have corresponded with them and, no doubt, in due course they will indicate their attitude to the matters that are contained within the bill. There should be no precipitant action taken in this matter. I ask all members to think carefully before they act in relation to this matter and before they are aware of the views of the Renaissance Centre. As I said before, members will be free to agitate the particular grievance of the Renaissance Centre in the context of that debate, which will establish the trading regime. Certainly, I will propose my interpretation of the recommendations that have been put by the Independent Gambling Authority in respect of the Renaissance Centre, but that may be a matter of some debate. However, as I understand the recommendations in relation to the Renaissance Centre, they are reasonably clear and it should not be a difficult matter to translate them into a legislative provision that I think should not be contentious between the two major parties.

Mr BRINDAL (Unley): The minister leaves me, as mover of this motion, and my colleagues on this side of the

house with a great dilemma. The dilemma is this: whether we can trust the minister to do as he says and delay private member's business which, as I heard the member for Heysen interject, has been on the floor of this house legitimately for some six months. The point is this. These people found themselves in an invidious situation because of a very unusual circumstance, which the government acknowledges. The government—not the opposition—promised that these people would receive help. The minister said to these people, 'Trust us. Leave it alone while we do North Adelaide and we will bring legislation in.' I do not know what the fabulous revenue from poker machines is but, if we listen to the Treasurer, it is ginormous. These machines are clicking out money. He gets a percentage, and so do the owners, but they have got nothing for the last 12 months. My understanding is that it is far from just selling on the licence. They want to establish new premises in the vicinity, and I think that they want to run it.

However, that is not the concern of this house. The concern of this house is the progression of business and, in this case, private member's business. We can take you at face value and trust you with legislation that we have not seen. In fairness, the government promised these people justice 12 months ago, but they have yet to get it. We nearly brought this to a vote some months ago, but we were dissuaded and did not do it. Now we have the Independent Gambling Authority report. I think the minister is not quite accurate, because my understanding of the report was that, while it certainly recommends in favour—and we both agree on that—it actually states: 'Because this consideration is not part our terms of reference, we cannot recommend but, by and large, this is what we think.'

The Hon. J.W. Weatherill: I will accept it is a recommendation.

Mr BRINDAL: The minister has put on the record that he accepts there is a recommendation. I cannot see what the problem is in asking this house to vote on a proposition before the house. If the minister then changes the law, he changes the law. I cannot understand how these people can now get some unfair advantage. You are simply slotting them back into a system. We are not asking for a measure to be introduced for these people to protect them from any new measure that will be introduced for the whole industry. We are saying put them back in the queue.

The Hon. J.W. Weatherill: It is a different solution.

Mr BRINDAL: Minister, this house has been occupied with this matter for six months and while I am quite prepared to accept your word, this is not in my bailiwick. The fact is that this house has considered the matter. I now speak to close the debate and when I sit down there will have to be a vote; there is no choice.

The house divided on the second reading:

AYES (19)

Brindal, M. K. (teller)	Brokenshire, R. L.
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.
Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (21)

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

PAIR(S)

Kerin, R. G.	Rann, M. D.
McFetridge, D.	Geraghty, R. K.
Brown, D. C.	Key, S. W.

Majority of 2 for the noes.

Second reading thus negatived.

The SPEAKER: Justice delayed is justice denied. The family involved in this matter are a sincere and enterprising family who, through no fault of their own, fell through the cracks of inadequacy in the existing legislation. Whilst I am aware of the present arrangements that have been made as a result of the discussions undertaken by the minister and the gaming authority with the licensee concerned, I am nonetheless of the view that that should have been dealt with long ago. The sooner it is done the better. I trust that the house can now provide that family with the fairness and justice which I am sure the government intends.

[Sitting suspended from 6.02p.m. to 7.30p.m.]

NATURAL RESOURCES MANAGEMENT BILL

The Hon. J.D. HILL (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to promote sustainable and integrated management of the state's natural resources; to make provision for the protection of the state's natural resources; to make amendments to the Crown Lands Act 1929, the Dog and Cat Management Act 1995, the Dog Fence Act 1946, the Environment Protection Act 1993, the Ground Water (Qualco-Sunlands) Control Act 2000, the Local Government Act 1934, the Mining Act 1971, the National Parks and Wildlife Act 1972, the Native Vegetation Act 1991, the Parliamentary Committees Act 1991, the Pastoral Land Management and Conservation Act 1989, the Petroleum Act 2000, the River Murray Act 2003, the South Eastern Water Conservation and Drainage Act 1992 and the Subordinate Legislation Act 1978; to repeal the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, the Soil Conservation and Land Care Act 1989 and the Water Resources Act 1997; and for other purposes. Read a first time.

The Hon. J.D. HILL: 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.

Integrated natural resources management—the Government's commitment.

It is with a great sense of occasion that I introduce the *Natural Resources Management Bill 2004*. As many Members well know and appreciate, the integration of natural resources management in South Australia has been a key objective of this Government over the past two years. It has taken an almost unprecedented amount of public

consultation to bring together all stakeholders and agree on a final position. I would like to particularly acknowledge the co-operative efforts of both the Local Government Association and the SA Farmers Federation, along with the Chair of the NRM Council, Mr Dennis Mutton. I would also like to thank the efforts of the many hundreds of people across the State who gave so much of their time to be part of this process.

Lack of integration in natural resources management inevitably has caused great frustration to communities, particularly farming communities. Over the years there has been a certain lack of coordination, and sometimes even outright inconsistency, in the projects and objectives of the different arms of Government in administering responsibilities for natural resources management. Community resources have been stretched amongst numerous different boards, committees and other bodies and programs operating under different legislation or none at all. While many of these bodies do collaborate, their strategies and priorities are not always well coordinated or aligned. National programs such as the National Landcare Program, the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality, add a further layer of complexity.

This Government resolved at the last election to commit unequivocally to make the necessary administrative and legislative changes to reform both institutional arrangements and legislation for natural resources management. We promised to develop new arrangements that would support skills-based regional boards to coordinate regional programs for natural resources management. We promised that these new arrangements would bring together water management and allocation, soil conservation and management issues, and animal and plant control matters. We also promised that the new arrangements would incorporate the development and implementation of re-vegetation and biodiversity plans, and works to manage salinity as components of both the State and regional NRM plans.

Administrative changes to natural resources management were made almost immediately upon winning Government, with the creation of the Environment and Conservation Portfolio. The Portfolio includes the new Department of Water, Land and Biodiversity Conservation, responsible for administration of the main pieces of natural resources legislation.

We also created an interim Natural Resources Management Council, which is made up of representatives from the major natural resources management organizations to help steer the reform process. The Council comprises an independent Chair (Mr Dennis Mutton, well known and respected across natural resources management sectors both within and outside of Government), and representatives from the National Parks and Wildlife Council, the Landcare Association of SA, the Conservation Council, the Native Vegetation Council, the Water Resources Council, the Animal and Plant Control Commission, the Local Government Association, the Regional INRM Group Chairs, the Pastoral Board, the SA Farmers' Federation, the Soil Conservation Council and Aboriginal landholding bodies. The Chief Executives of the Department of Water, Land and Biodiversity Conservation, Department for Environment and Heritage, Primary Industries and Resources SA, the Executive Director of Planning SA, the Chief Executive of the Environment Protection Authority and SA Water work closely with the Council, but are not voting members.

The Council has played a key role in coordinating and overseeing a comprehensive program to develop the new legislation. The Council has worked with existing catchment, regional and local bodies to develop appropriate arrangements to suit the unique circumstances of each region, and has provided advice on developing and implementing the new arrangements. A Natural Resources Management Council is to be formally established by the Bill.

Development of the new legislative framework

Preparation of the Bill commenced in mid 2002. By November 2002, the Government had released a comprehensive discussion paper, outlining the need for the reforms and seeking feedback from stakeholders. A full community engagement process followed release of the paper, and a consultation draft Natural Resources Management Bill was subsequently released in July 2003.

Peak bodies under current natural resources management legislation were engaged very early in this process, and have remained closely involved, both through membership on the Council, and on an individual basis. The Water Resources Council, Soil Conservation Council, and the Animal and Plant Control Commission, together with soil conservation, catchment water management and animal and plant control boards across the State, have made many valuable contributions.

Other consultation included:

- ongoing participation by relevant State and Commonwealth Government agencies;
- meetings with key stakeholder groups including the South Australian Farmers' Federation, the Local Government Association of South Australia and representatives of individual councils;
- a series of regional and State agency information forums and workshops;
- use of existing natural resources management networks for information distribution and communication;
- establishment of a natural resources management reform website;
- the opportunity for stakeholder and community submissions; and
- discussions with relevant unions including the Australian Services Union and the Public Service Association, specifically relating to transitional arrangements.

The interim Natural Resources Management Council provided expert guidance, support and assistance throughout.

What is integrated natural resources management, and why is it important?

Natural resources do not occur in isolation of each other— water and land form the basis of every ecosystem and the health of ecosystems is inextricably linked to the management of those resources. Complementary management of natural resources is the only way to ensure ecological sustainability. And ecological sustainability is the most basic necessity to safeguard the communities that rely on the productive capacity of our land and water resources— that means all South Australians; our society and economy.

An integrated approach to natural resources management is therefore vital to achieving sustainable development—healthy ecosystems and the current and future prosperity of all South Australians.

Despite the efforts of many South Australians to date, and the sometime successes that have resulted, the condition of many of the State's natural resources continues to decline. Many river systems are in fair to poor condition, affected by water extraction, declining water quality and loss of riparian vegetation. Groundwater use in some areas is either at or above resource capacity. Less than half the pre-European settlement wetlands remain. Large areas of near-shore seagrass meadows have been lost along the metropolitan coast. Soil erosion, salinity and acidification persist across the State with consequent losses in productivity and impacts on water quality and biodiversity. Despite efforts to halt the decline in biodiversity, many species are rated as endangered or vulnerable. Primary production and conservation values continue to be negatively affected by existing pests and diseases, and threatened by the incursion of new exotic species. These problems pose considerable challenges.

Past approaches to managing natural resources in South Australia have involved a significant level of specialisation to deal with particular elements such as soil, water, vegetation, wildlife, pests, pastoral land and public lands. Unfortunately, experience has taught us that the advantages of concentrating specialist effort on individual areas are countered by the disassociation resulting from resource management decisions being made in isolation.

We need a legal and institutional framework that will take a whole-of-landscape approach that draws together organisations and individuals across a diversity of sectors, taking into account the links within and between natural systems, and the interaction of economic, social and environmental factors that influence decision making. We need a framework that will alleviate land use conflicts, maintain the ecological sustainability of each of our State's bioregions, and provide certainty of access to all resource users. We need a framework that will make more efficient use of community resources—including membership on regional bodies, and more efficient channelling of funds into regions for planning and on-ground works. We need to be able to coordinate and integrate the activities of the wide range of groups involved in natural resources management across the State, and that will facilitate the development of collaborative partnerships between land managers, natural resource users, all levels of Government and the community.

The *Natural Resources Management Bill 2004* establishes the institutional arrangements we need to deliver all these things: to deliver a strategic, integrated approach to natural resources management. This new legislation will create a transparent, consultative,

robust and effective structure to manage and protect the environmental, economic and social values of the State's natural resources.

What is contained in the Bill?

The Bill is built fundamentally on the concept of ecologically sustainable development ('ESD'). It prescribes as its principal object, that the State's natural resources must be managed according to the principles of ESD. These principles require decision-making processes to integrate both long-term and short-term economic, environmental, social and equity considerations, to treat the conservation of biological diversity and ecological integrity as fundamental to environmental, social and economic welfare. It establishes a duty for all persons to act responsibly in the management of the State's natural resources for the present and future generations. It recognises that an important use of our natural resources is for primary production and also recognises the importance of incorporating biodiversity objectives into decision-making.

The institutional framework

The Bill repeals the *Water Resources Act 1997*, *Soil Conservation and Land Care Act 1989* and the *Animal and Plant Control (Agricultural and Other Purposes) Act 1986*. The Bill takes what is useful from each Act, and presents it within a single institutional framework. A Natural Resources Management Council (NRMC), regional NRM boards, NRM groups, a Chief Officer (the Chief Executive of relevant Department) and authorised officers, all of which have a range of specified powers and functions, replace the existing institutional arrangements.

Overall responsibility for the direction of natural resources management rests with the Minister administering the Act. The Minister is responsible for the strategic frameworks and arrangements necessary to effectively oversee the management and protection of the State's natural resources. The Minister may delegate his or her functions under the Act.

The Natural Resources Management Council replaces the Animal and Plant Control Commission, the Soil Conservation Council and the Water Resources Council and provides strategic advice to the Government about natural resources policy, the State Natural Resources Management Plan and consistency with the State Planning Strategy, regional activities and administrative arrangements. The Council will also provide advice in relation to federal NRM funding programs in accordance with relevant bilateral agreements.

Regional boards and local groups will assume many roles and responsibilities of the current animal and plant control boards, soil conservation boards and catchment water management boards under the legislation to be repealed.

NRM regions and boards will be established by the Minister by notice in the Gazette.

Membership of the NRM Council, regional NRM boards and NRM groups is skills based and expressions of interest for membership will be sought through general public advertisement. Appointment of members of the NRM Council and regional NRM boards is to be by the Governor.

The Local Government Association, the Conservation Council, the SA Farmers Federation and Aboriginal bodies will be asked to nominate persons with any of the required skills for four of the nine positions on the NRM Council. In the case of board membership, there is a requirement for the Minister to consult with the LGA and with bodies representative of primary producers and conservation and Aboriginal interests before recommending membership. One member of each regional board is required to be active in local government affairs and it also is stipulated that a majority should reside, and practice land management, in the region.

The Bill also provides for the Minister to authorise persons to attend the NRM Council and regional NRM board meetings, in a non-voting capacity to represent the interests of Commonwealth, State and Local Government. This arrangement will allow government representatives to participate in regional meetings without detracting from the autonomy of regional NRM boards.

NRM areas are parts of NRM regions and are established by gazettal by the Minister on the recommendation of regional NRM boards. NRM group membership is recommended by regional NRM boards and appointed by the Minister through a membership selection process, which again provides for consultation with local government.

Boards will be accountable to the Minister and responsible for regional natural resources planning and investment, delivery and decision-making. Boards may propose the establishment of local natural resources management groups to meet the specific requirements of each region. Local groups will deliver integrated natural resources management activities, undertake local compliance activities and provide local advice. Advisory committees with a regional perspective may also be established to advise the board on specific natural resource issues or matters (such as water allocation).

Regulations may be made to require advisory committees to be established to provide advice to the NRM Council or regional boards. The Government has given a specific undertaking to use these regulation making powers to require the establishment of an Aboriginal Lands Advisory Committee to the NRM Council and Aboriginal Advisory Committees to regional NRM boards as required. We have made this commitment to ensure that aboriginal interests and issues and indigenous knowledge of natural resource management will be considered and accommodated in the new NRM structure at peak and regional levels. Local government will continue to be an important partner in ensuring sound outcomes. The Bill involves local government in each tier of the framework (State, regional and local). Local government also plays a vital role in integrating natural resources management goals with land-use and development planning and decision making, and delivery of on-ground programs. Expertise in matters of local government is a required skill for the NRM Council and regional boards and a person active in local government affairs will be included in the membership of each regional board. In addition to this local government have expressed a desire to attend meetings of the regional bodies and of the Council. Their participation will be welcomed and the Minister will authorise local government representatives to attend meetings of the NRM Council and regional boards in a non-voting capacity along with representatives of the State and Federal governments.

State Government support for natural resources management activities will continue to be provided through the resources of a number of key agencies, notably the Department of Water, Land and Biodiversity Conservation, the Department for Environment and Heritage, Primary Industries and Resources SA and Planning SA.

The Commonwealth Government is also a major stakeholder in natural resources management in the State. Strong partnerships will be maintained with the Commonwealth so that national priorities can be incorporated and delivered through the new arrangements and we will ensure that the Council membership will be able to provide independent advice to the Commonwealth on its investment in natural resource management in South Australia.

Another aspect of ensuring the proper integration of activities is demonstrated by the amendments made by this Bill to the *Mining Act 1971* and the *Petroleum Act 2000*, which are designed to promote and enhance the regulatory controls under those Acts and to ensure appropriate linkages between the relevant systems.

Integrated planning as a natural resources management tool

The Bill establishes a hierarchy of natural resources management plans—the State NRM Plan and regional NRM plans incorporating water allocation plans. These plans allow for the appropriate level of input and management at a regional and local level while ensuring consistency of regional policy and plans with State-wide policy. Regional plans will incorporate existing catchment water management plans, district soil plans and water allocation plans. Integrated Natural Resource Management Plans, Animal and Plant Control policies and programs and Biodiversity Plans will be included in regional NRM plans through the process of preparing an initial NRM plan and budget. These initial NRM plans will detail how each regional NRM board will continue to deliver existing regional NRM programs and projects. A regional process of consultation and revision then will enable regional communities to develop more comprehensive regional NRM plans and provide for more efficient and effective regional delivery in collaboration with regional partners. Plans will cover NRM regions right to the State boundary, including the marine and inner coastal area to ensure an ecosystem-based approach. This will ensure that regional NRM plans consider the effect of terrestrial based activities on the marine environment and the natural resource management requirements of the marine area. The Government will restrict the regulatory capacity of regional NRM plans and NRM authorities so that their role in compliance and enforcement will only extend to the low water mark by making a regulation to exclude areas between the low water mark and the State boundary from the Bill's regulatory provisions.

Work on stormwater management is being progressed by a Chief Executive's Group established by the Minister's Local Government Forum. The group comprises State and Local Government officers and is chaired by the CEO, of the Department of Water, Land and Biodiversity Conservation. Once the policy position of the State Government on stormwater management is established, any necessary amendments to the NRM legislation will be prepared in consultation with the Local Government Association.

The Bill (and proposed consequential amendments to the Schedule of the *Development Regulations 1993*) maintain the links between natural resource management and the development planning system, which exists in the current water resources legislation. The NRM Bill also enables regional NRM boards as well as councils and the Minister responsible for the *Development Act 1993* to prepare amendments to development plans. However, the Government has agreed to make consequential amendments to the NRM legislation in due course as part of the proposed amendments to the *Development Act 1993*, which will introduce improvements to development plan amendment provisions. These consequential amendments to the NRM legislation will replace the capacity of regional NRM boards to prepare plan amendment reports in isolation with the capacity of the boards to participate with councils in preparing amendments to development plans. In addition, regional NRM boards will be designated as bodies that must be consulted on council or Ministerial amendments to development plans.

The regulatory framework

The Bill incorporates the regulatory components of the current *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*, *Soil Conservation and Land Care Act 1989* and *Water Resources Act 1997*. The provisions have been rationalized where possible and streamlined into the new arrangements.

Funding natural resources management activities

Reaching an acceptable framework for funding of regional natural resources management has been a challenging issue.

Under current legislative arrangements, constituent councils within a catchment water management area under the Water Resources Act collect a levy component based on land ownership. The Government's water licensing mechanisms collect a levy component based on ownership of water licences. All councils make a contribution to their respective animal and plant control boards under the Animal and Plant Control Act.

At the initiation of the Local Government Association, a joint state and local government group was established to advise whether it was appropriate to continue these arrangements, and to develop a proposal for an efficient and transparent levy mechanism.

The levy collection mechanism now included in the Bill is simple and transparent, and provides a process to regularise reimbursement of reasonable levy collection costs and minimise collection costs to the community.

The Bill provides for regional boards to identify funding needs and sources in their regional plans. The Bill provides for a natural resources management levy to provide one source of necessary funds. The levy will replace both the existing catchment levy under the Water Resources Act and local government contributions to animal and plant control boards under the Animal and Plant Control Act. A regional NRM levy will be approved by the Governor on the basis of the budget included in each regional plan. New levy proposals will be referred to the NRM Committee of Parliament for consideration and hence will be subject to scrutiny and disallowance in Parliament. Levies will be collected by councils within the area of each regional board as if they were separate rates under the Local Government Act and will be recognised for the purposes of State government council rates concessions under the Rates and Land Tax Remission Act. Should it be found in the future that there is conflict between Chapter 10 of the Local Government Act and the collection of the levy, regulations may be made modifying that Chapter to the extent necessary. Councils will be given a specific power to recover an amount on account of costs incurred in the collection of the levy. The amount to be recovered will be determined under the regulations. Work on the scheme to be established by the regulations is being undertaken by a joint State and Local Government working party. This remains the subject of further negotiation with the LGA. The objective is to provide an easy to administer process by which councils are able to recover the costs they incur in collecting the NRM levy.

Existing State Government funding for natural resources management purposes will continue, subject to standard Government budget processes. Allocations will be consolidated into a single natural resources management appropriation to assist transparency and accountability. Regional boards established in areas that will not have the capacity to fully fund themselves via natural resources management levies will be assisted through the Environment and Conservation Portfolio, as is presently the case with some existing boards. Funding sources such as Commonwealth grants and corporate sponsorship will continue to supplement this core funding and allow boards to progress priority initiatives. Both the Natural Resources Management Council and regional boards will have a significant role in determining the appropriate use of Commonwealth-State NRM funding programs. This role already forms part of the Commonwealth/State Bilateral Agreement. Levies will not be increased as a direct result of this reform but appropriate levy amounts will be considered by each regional NRM board and the regional community through the regional planning process.

The transitional arrangements

Developing appropriate transitional arrangements has also been a significant challenge. Planning a move from the numerous boards created under the Water Resources Act, Soil Conservation and Land Care Act and Animal and Plant Control Act, with their different functions, boundaries, staff, programs and property, has required a great deal of trust, commitment and patience from all involved.

Following passage of this Bill, we intend establishing the NRM Council and NRM regional boards before bringing the Act into operation to allow preparation for transition to the new arrangements to occur. The Bill's transitional provisions also allow the membership, powers and functions of existing boards to continue during the period when the new NRM boards are being established. This period of duplication will ensure that existing NRM programs and projects can continue to be delivered by existing bodies until the new NRM boards are ready to take on full responsibility. It will also allow sufficient time for the complex process of negotiating the winding up the existing boards and assigning assets and liabilities with regional bodies, including local government, and to explore partnership arrangements for future delivery.

Transitional arrangements have been provided to ensure continuity in relation to the existing plans and processes and the transfer of levies and contributions, assets, staff and contracts.

The Bill also makes consequential amendments to related legislation, predominantly to update references to the new institutional arrangements.

Staff employed by existing boards under the repealed Acts will be offered employment by the regional boards and will not be disadvantaged by the new arrangements. Existing staff will have the opportunity to remain employees of legal entities, which represent their existing employers, or to transfer to employment by the new regional boards. Consultation with the industrial representatives of existing employees has been an ongoing element in development of the new arrangements, and will continue through the implementation period, so that employment issues are understood and appropriately accommodated in the transition.

Within State Government, staff currently administering the repealed Acts will administer the new legislation.

The transitional provisions contained in Schedule 4 of the Bill also provide for the carry-over of relevant rights and liabilities into the new arrangements.

The recently passed *River Murray Act 2003* made a number of changes to each of the *Water Resources Act 1997*, *Soil Conservation and Land Care Act 1989* and *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*. All of those changes are either retained verbatim in the Bill, or their intent reflected in wording appropriate to the new legislation.

Review

A legislative review is required by this Bill by 2006-07. A number of stakeholders have sought the inclusion of other related NRM legislation into this reform. Closer coordination, better linkages and/or incorporation into this legislation are all options for achieving greater integration. The required review will provide an opportunity to assess early experience with the current reform and appropriate means of achieving better integration with other NRM legislation including native vegetation, coast and marine, South-East drainage, pastoral land management and dog fence. The review date will ensure that such assessment occurs in a timely manner. In addition to this the Minister will continue to work to fine tune this legislation, if necessary, through subsequent legislation amendment, on an ongoing basis from commencement of the Act.

Key changes arising from the consultation process

Consultation on the draft Bill resulted in 158 written submissions being received. These were in addition to the valuable input received during stakeholder workshops and public meetings, which more than 600 people attended throughout the 8 proposed regions. Numerous amendments were made to the consultation draft Bill as a result of comments received. Most were not of major policy significance, but contributed to the overall sense and accessibility of the legislation, and filled in some gaps or loopholes.

Officers of the department and the Minister have continued to work closely with representatives of key stakeholders including the South Australian Farmer's Federation and the Local Government

Association to achieve mutually acceptable arrangements. We are grateful for the contributions of all stakeholders and believe that this Bill will provide a stable, robust and secure legislative framework for NRM for the whole South Australian community. It is a Bill that provides regional decision making, community input and support for land managers and also recognises the need for balanced approach to conservation and development to achieve sound economic, social and environmental outcomes now and for future generations.

The period since the Bill was tabled has provided further opportunity for consideration of the proposed legislation by stakeholders and agency staff, and some suggested changes were forwarded to the NRM reform team during December 2003 and January 2004. Where the changes proposed have fallen within the scope of NRM reform they have been incorporated into the Bill.

Conclusion

It has no doubt been due to the long and very thorough consultation process, and to the good will, manifest commitment and willingness to compromise that has been shown by all involved, that the Bill represents a significant step in this continuing process for better management of our natural resources.

I commend the Bill to the House

Explanation of Clauses

Chapter 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the Bill.

4—Interaction with other Acts

This clause provides that the Bill is in addition to, and does not limit or derogate from the provisions of any other Act. The clause also provides that the Bill is subject to certain other Acts and agreements described in the clause. Further, subclause (3) provides that Chapter 2 Part 2 and Chapter 6 do not apply in relation to certain substances and activities associated with mining Acts.

5—Territorial and extra-territorial operation of Act

This clause provides that the Bill applies to the whole of the State, however the Governor may, by regulation, exclude parts of the State. The Bill also applies outside of the State if an activity or circumstance undertaken or existing outside the State may affect the natural resources of the State.

6—Act binds Crown

This clause provides that the Bill binds the Crown, and that agencies and instrumentalities of the Crown must endeavour to act consistently with the State Natural Resources Management Plan, along with all other relevant natural resources management plans under the Bill.

Chapter 2—Objects of Act and general statutory duties

Part 1—Objects

7—Objects

This clause sets out the objects of the Bill.

8—Administration of Act to achieve objectives

This clause provides that, in administering the Bill, or performing, exercising or discharging a function, power or duty under the Bill, the Minister, the Court and a person must have regard to, and seek to further, the objects of the Bill. The clause also states that a person acting under one part of the Bill should, in the interest of adopting an integrated approach to the operation and administration of the Bill, have regard to other relevant parts.

Part 2—General statutory duties

9—General statutory duties

This clause requires a person to act reasonably in relation to natural resources management within the State, and to take into account the objects of the Bill. The clause also sets out factors to be taken into account in determining what is reasonable for the purposes of the section. The clause provides that a person acting in pursuance of a requirement under the Bill, in a manner consistent with the regional NRM plan, or in circumstances prescribed by the regulations, will be taken not to be in breach of the section. A person who breaches subclause (1) is not, on account of the breach alone, liable to civil or criminal action, but the person may be required to do certain things, or certain orders may be made, as set out in subclause (4). The clause also provides that a person is not to be held responsible for any condition or circumstance existing before the commencement of the clause.

Chapter 3—Administration

Part 1—The Minister

10—Functions of Minister

This clause sets out the functions of the Minister.

11—General powers

This clause sets out the general powers of the Minister in relation to the Bill.

12—Powers of delegation

This clause provides that the Minister may delegate a power of the Minister under the Bill, or any other Act, to a body or person, and sets out requirements for such delegations. However, the Minister may not delegate the function of making recommendations to the Governor, nor the functions or powers of the Minister under Chapter 5. The clause also provides for an offence where a delegatee fails to disclose an interest in certain matters.

Part 2—The NRM Council

Division 1—Establishment of Council

13—Establishment of Council

This clause establishes the Natural Resources Management Council, and provides that the Council is subject to the general direction and control of the Minister.

Division 2—The Council's membership

14—Composition of Council

This clause sets out the requirements relating to the composition of the Natural Resources Management Council.

15—Conditions of membership

This clause sets out the conditions relating to membership of the Natural Resources Management Council, including procedures for removal of members, and casual vacancies.

16—Allowances and expenses

This clause provides that a member of the Natural Resources Management Council is entitled to fees, allowances and expenses approved by the Governor.

17—Validity of acts

This clause provides that an act or proceeding of the Natural Resources Management Council is not invalid simply because there is a vacancy in its membership or a defect in the appointment of a member.

Division 3—Functions of Council

18—Functions of Council

This clause sets out the functions of the Natural Resources Management Council.

19—Committees

This clause provides for the setting up of committees by the Natural Resources Management Council, and for the procedures of those committees.

20—Power of delegation

This clause provides that the Natural Resources Management Council may delegate a function or power of the Council under this Bill, or any other Act, and sets out requirements for such delegations.

Division 4—Related matters

21—Annual report

This clause requires the Natural Resources Management Council to provide an annual report to the Minister, and sets out requirements for those reports.

22—Use of facilities

This clause provides that the Natural Resources Management Council may use staff, facilities and equipment of an administrative unit of the Public Service, or of a public authority.

Part 3—NRM Regions and boards

Division 1—Establishment of regions

23—Establishment of regions

This clause provides that the Minister may, by notice in the Gazette, divide the State into Natural Resources Management regions, and sets out the procedure and requirements for doing so, including the requirement for consultation with the Local Government Association.

Division 2—Establishment of regional NRM boards

24—Establishment of boards

This clause requires the Minister, by notice in the Gazette, to establish a regional Natural Resources Management board for each Natural Resources Management region, and sets out related procedures and requirements.

25—Corporate nature
This clause provides that a regional NRM board is a body corporate, sets out the corporate nature of the boards and provides that a board is subject to the direction and control of the Minister.

Division 3—Membership

26—Composition of boards
This clause sets out requirements relating to the composition of regional NRM boards.

27—Conditions of membership
This clause sets out the conditions relating to membership of a regional NRM board, including procedures for removal of members, and casual vacancies

28—Allowances and expenses
This clause provides that a member of a regional NRM board is entitled to fees, allowances and expenses approved by the Governor.

29—Validity of acts
This clause provides that an act or proceeding of a regional NRM board is not invalid simply because there is a vacancy in its membership, a defect in the appointment of a member or a situation where a majority of its members do not reside within the relevant region.

Division 4—Functions of boards

30—Functions of boards
This clause sets out the functions of a regional NRM board.

Division 5—Powers of boards

31—General powers
This clause sets out the general powers of a regional NRM board in relation to the Bill.

32—Power to acquire land
This clause provides that a regional NRM board may acquire land pursuant to the *Land Acquisition Act 1969*.

33—Special powers to carry out works
This clause sets out special powers that a regional NRM board has to carry out the works specified in the clause.

34—Entry and occupation of land
This clause provides that a regional NRM board may enter and occupy land for the purpose of carrying out a function or exercising a power under the Bill. The clause also sets out the procedures required in the exercise of the power conferred by this clause. A person must not use the power conferred by the clause except with a warrant issued by a magistrate, or in circumstances requiring immediate entry upon the land.

35—Special vesting of infrastructure
This clause enables the Governor by proclamation to vest certain things in regional NRM boards, and sets out procedures for such vesting.

Division 6—Staff

36—Staff
This clause sets out the staffing arrangements for regional NRM boards.

Division 7—Committees and delegations

37—Committees
This clause provides for the setting up of committees by regional NRM boards.

38—Power of delegation
This clause provides that a regional NRM board may delegate its powers or functions.

Division 8—Accounts, audit and reports

39—Accounts and audit
A regional NRM board must cause proper accounts to be kept and prepare financial statements for each financial year. The Auditor-General is to audit those accounts and statements.

40—Reports
This clause requires a regional NRM board to provide an annual report to the NRM Council.

41—Specific reports
The Minister or the NRM Council may require a regional NRM board to report in any aspect of its operations.

Division 9—Appointment of administrator

42—Appointment of administrator
This clause enables the Minister, in specified circumstances, to appoint an administrator of a regional NRM board.

Division 10—Related matters

43—Use of facilities
This clause allows a regional NRM board to make use of the services, staff, equipment or facilities of an administrative unit of the Public Service, or a public authority.

44—Board's power to provide financial assistance etc
This clause allows a regional NRM board to provide financial (or any other) assistance to specified persons or bodies.

45—Assignment of responsibility for infrastructure to another person or body
This clause allows a regional NRM board to assign responsibility for the care, control or management of infrastructure to specified bodies. An assignment to a owner or occupier, or to a third party, is effected by agreement. The clause also provides for the assignment to be noted against (and a note of rescission or amendment entered if requested) the instrument of title by the Registrar-General.

46—Appointment of body to act as a board
This clause provides that the Governor may, by regulations made on the recommendation of the Minister, appoint a body specified in the regulations to be a regional NRM board, and sets out requirements attaching to such an appointment.

Part 4—NRM groups

Division 1—Establishment of areas

47—Establishment of areas
This clause provides that the Minister may, after consultation with or on the recommendation of the relevant NRM board, designate an area as the area in which an NRM group will operate, and also provides for the variation or abolition of such an area. The area may, if the Minister considers the circumstances justify such an approach, include parts of the areas of 2 or more regional NRM boards.

Division 2—Establishment of NRM groups

48—Establishment of groups
This clause requires the Minister to establish, on the recommendation of or after consultation with the relevant NRM board or boards, a Natural Resources Management group for each area established under Division 1, and also provides for the variation of a notice under this clause or the abolition of an NRM group.

49—Corporate nature and responsibility at regional level
This clause sets out the corporate nature of an NRM group, and provides that an NRM group is, if the area of the NRM group lies wholly within the region of 1 regional NRM board, subject to the direction of the regional NRM board, and also sets out procedures to be adopted when an area of an NRM group includes parts of the regions of 2 or more regional NRM boards.

Division 3—Membership

50—Composition of NRM groups
This clause provides for the composition of NRM groups, and sets out the certain requirements for appointment and membership of the group.

51—Conditions of membership
This is a standard clause relating to the conditions on which a member of an NRM group holds office.

52—Allowances and expenses
This clause provides that a member of an NRM group is entitled to certain fees, allowances and expenses.

53—Validity of acts
This is a standard clause.

Division 4—Functions of NRM groups

54—Functions of groups
This clause sets out the functions of an NRM group.

Division 5—Powers of NRM groups

55—General powers
This clause sets out the general powers of an NRM group, and also sets out certain limits on the activities of an NRM group.

Division 6—Committees and delegations

56—Committees
This clause enables an NRM group to establish committees in certain circumstances.

57—Power of delegation
This clause provides that an NRM group may make certain delegations of its functions or powers under this measure.

Division 7—Accounts, audit and reports

58—Accounts and audit
An NRM group must cause proper accounts to be kept and prepare financial statements for each financial year. The Auditor-General is to audit those accounts and statements.

59—Reports

This clause requires an NRM group to provide an annual report to the relevant NRM board or boards.

60—Specific reports

The Minister or a regional NRM board may require an NRM group to report in any aspect of its operations.

Division 8—Related matters

61—Staff

This clause provides that the Minister or a regional NRM board may provide staff to assist an NRM group.

62—Use of facilities

This clause allows an NRM group to make use of the services, staff, equipment or facilities of an administrative unit of the Public Service, or a public authority.

63—Appointment of body established by or under another Act

This clause allows the Governor, by regulation, to appoint a body specified in the regulations to be an NRM group, and sets out certain requirements in relation to the making of a regulation under this clause.

64—Regional NRM board may act as an NRM group

This clause allows a regional NRM board to perform any function and exercise any power of an NRM group.

Part 5—The Chief Officer

65—Chief Officer

This clause provides that the Chief Executive of the Department will be the Chief Officer for the purposes of this Bill.

66—Functions of Chief Officer

This clause sets out the functions of the Chief Officer.

67—Power of delegation

This clause provides that the Chief Officer may make certain delegations of his or functions or powers under the measure.

Part 6—Authorised officers

68—State authorised officers

This clause provides for the appointment of State authorised officers.

69—Regional authorised officers

This clause provides for the appointment of regional authorised officers.

70—Identity cards

This clause requires authorised officers be issued with identity cards, and sets out when they must be produced.

71—Powers of authorised officers

This clause sets out the powers of authorised officers under the Bill.

72—Provisions relating to seizure

This clause sets out provisions applying when a thing has been seized under clause 71.

73—Hindering etc persons engaged in the administration of this Act

This clause creates certain offences relating to persons engaged in the administration of the measure.

74—Self-incrimination

This clause provides that a person is not excused from a requirement under the Bill on the grounds of self-incrimination, and sets out certain evidentiary rules regarding information obtained.

75—Offences by authorised officers

This clause creates certain offences in relation to authorised officers.

Chapter 4—NRM plans

Part 1—State NRM Plan

76—State NRM Plan

The NRM Council will prepare and maintain a plan to be called the State Natural Resources Plan. The plan will set out principles and policies for achieving the objects of the measure throughout the State. The plan will be reviewed at least once in every five years.

Part 2—Regional plans

Division 1—Regional NRM plans

77—Regional NRM plans

Each regional NRM board will prepare and maintain a regional NRM plan. The plan will need to address a number of specified matters and to be consistent with a variety of other plans and policies.

Division 2—Water allocation plans

78—Preparation of water allocation plans

Each regional NRM board will also prepare a water allocation plan for each of the prescribed water resources in its region. A water allocation plan will be taken to form part of the relevant regional NRM plan.

Division 3—Preparation and maintenance of plans

79—Application of Division

This clause is an application provision.

80—Concept statement

A regional NRM board will, in relation to a proposal to complete a plan, prepare a concept statement. A board must consult on the concept statement.

81—Preparation of plans and consultation

The board will then prepare a draft plan based on the concept statement and result of the board's investigations. The board must then consult on the draft plan.

82—Submission of plan to Minister

A draft plan will be referred to the Minister, who may adopt the plan with or without amendment, or refer the plan back to the board for further consultation. A plan that proposes raising the amounts under Chapter 5 must be referred to the Natural Resources Committee of the Parliament. A disallowance mechanism is included.

83—Review and amendment of plans

This clause provides for the periodic review and amendment of plans.

84—Time for implementation of plans

A plan cannot be implemented unless or until it has been adopted by the Minister.

85—Availability of copies of plans etc

This clause provides for the public availability of plans and submissions.

86—Time for preparation and review of plans

The initial regional NRM plan prepared by a board need not satisfy all the requirements of this Act but the board must seek to have a comprehensive plan as soon as practicable.

Division 4—Related matters

87—Application of Division

This clause is an application provision.

88—Validity of plans

A regional NRM plan will not be invalid because it is inconsistent with the State NRM plan.

89—Promotion of River Murray legislation

A plan that applies to the Murray-Darling Basin or in relation to the River Murray must seek to further the objects of the *River Murray Act 2003* and the objectives under that Act, and must be consistent with the Agreement under the *Murray-Darling Basin Act 1993*.

90—Associated Ministerial consents

The Minister will be required to seek the consent of other Ministers in certain circumstances. Any disagreement between the Ministers will be referred to the Governor in Executive Council.

91—Amendment of plans without formal procedures

This clause sets out the cases where a plan may be amended without following the formal procedures set out in Division 3.

92—Plans may confer discretionary powers

This clause makes it clear that a plan may confer discretionary powers.

93—Effect of declaration of invalidity

This clause is a severance provision.

Chapter 5—Financial provisions

Part 1—NRM levies

Division 1—Levies in respect of land

94—Contributions by constituent councils

This clause establishes a scheme under which councils may be required to contribute an amount determined by a regional NRM board in its plan towards the costs of the regional NRM board in their areas and, following consultation with the relevant councils, provides for the shares in which the councils will pay that contribution.

95—Payment of contributions by councils

This clause sets out the time for payment by a council of its share.

96—Funds may be expended in subsequent years

This clause makes it clear that money paid by a council under this Division in one financial year may be spent by a regional NRM board in a subsequent financial year.

97—Imposition of levy by councils

This clause enables a council to impose a levy on ratepayers to recover the amount of the share paid by the council. The

levy will be recoverable as if it were a separate rate under Chapter 10 of the *Local Government Act 1999*.

98—Costs of councils

This clause provides that a regional NRM board must pay an amount on account of the costs of councils in complying with the requirements under this Part, subject to any provision made by the regulations. The Minister will consult with the LGA before a regulation is made under this provision.

99—Outside council areas

This clause will allow a levy relating to the costs of a regional NRM board to be imposed with respect to land outside council areas. The levy will be declared by the Minister with the approval of the Governor. The Minister will be able to arrange for assessment notices to be served by another authority or person, and for another authority or person to collect the levy on behalf of the Minister.

100—Contributions towards work of NRM groups

This clause makes it clear that the costs of NRM groups will be taken to form part of the costs of regional NRM boards for the purposes of this Division.

101—Application of levy

This clause makes it clear that nothing in this Division prevents a levy raised in one part of the State being applied in another part of the State by the relevant board, or a group.

Division 2—Levies in respect of taking water

102—Interpretation

This clause defines terms used in Chapter 5 Part 1 Division 2.

103—Declaration of levies

This clause will allow the Minister to declare a levy or levies to be paid by persons who are the holders of water licences, are the holders of imported water permits, or are authorised to take water under clause 130. The scheme is based on the current provisions of the *Water Resources Act 1997*.

104—Provisions applying to water (holding) allocations in declared water resources

This clause will allow special provision to be made with respect to water (holding) allocations for water resources specified by the Minister.

105—Special purpose water levy

This clause will allow the Minister to declare a special purpose water levy. The Minister will only be entitled to declare a special purpose water levy under this clause if a majority of people named in the relevant declaration have given their consent to it.

106—Liability for levy

This clause sets out provisions relating to liability for levies.

107—Notice of liability for levy

The Minister will serve a notice of the amount payable by way of a levy under this Division.

108—Determination of quantity of water taken

This clause sets out provisions as to the determination of the quantity of water taken for the purposes of determining the amount payable by way of levy.

109—Cancellation etc of licence or permit for non-payment of levy

The Minister will be able to cancel, suspend or vary a licence or permit if a levy is not paid.

110—Costs associated with collection

A regional NRM board may be required to pay to the Minister and amount relating to the costs incurred by the Minister in collecting a levy under this Division. However, an amount payable by a board cannot exceed an amount to be determined in accordance with the regulations.

Division 3—Special provisions

111—Application of Division

This Division is to apply to an out-of-council NRM levy or to an NRM water levy.

112—Interest

Interest will accrue on unpaid levy, and on unpaid interest, in accordance with the regulations.

113—Discounting levies

The Minister will be able to discount a levy to encourage early payment of a levy, in accordance with a scheme to be prescribed by the regulations.

114—Levy first charge on land

A levy will be a first charge on the relevant land.

115—Sale of land for non-payment of a levy

This clause sets out a scheme for the sale of land if a levy is not paid. The Minister will be able to assume title to the land if it cannot be sold.

Division 4—Related matters

116—Refund of levies

A regional NRM plan, or the regulations will be able to set out schemes that may form the basis of an application for a refund of the whole or a part of a levy.

117—Declaration of penalty in relation to the unauthorised or unlawful taking or use of water

This clause provides for the declaration of a penalty in relation to the unauthorised taking of water. The other provisions of this Chapter may be applied to a penalty under this provision as though it were a levy.

118—Appropriation of levies, penalties and interest

This clause provides for the application of levies and other amounts declared under this Part.

Part 2—Statutory funds

Division 1—The Natural Resources Management Fund

119—The Natural Resources Management Fund

There is to be a Natural Resources Management Fund in connection with the operation of this measure.

120—Accounts

The Minister must cause proper accounts to be kept of money paid into and out of the fund.

121—Audit

The fund will be audited by the Auditor-General.

Division 2—Regional NRM board funds

122—Regional NRM board funds

Each regional NRM board will be required to establish and maintain a fund for the purposes of this measure.

Chapter 6—Management and protection of land

123—Interpretation

This clause defines terms used in Chapter 6.

124—Special provisions relating to land

This clause will enable a relevant authority to require the owner of land to prepare an action plan if the relevant authority considers that the owner has been (or is likely to be) in breach of the general statutory duty with respect to land and there has been (or is likely to be) unreasonable degradation of the land. The relevant authority will be required to attempt to resolve the matter by voluntary action on the part of the owner before resorting to the requirement to prepare an action plan.

125—Requirement to implement action plan

An action plan will be imposed by notice. An owner of land must be given a reasonable period to prepare the action plan. A requirement to prepare an action plan will be subject to review by the Chief Officer.

Chapter 7—Management and protection of water resources

Part 1—General rights in relation to water

126—Right to take water subject to certain requirements

This clause sets out rights in relation to the taking of water. It is important to note the broad definition of "to take" water under this Bill.

127—Declaration of prescribed water resources

This clause provides for the declaration of water resources by the Governor on the recommendation of the Minister. The Minister must undertake a process of public consultation before making a recommendation.

Part 2—Control of activities affecting water

Division 1—Determination of relevant authority

128—Determination of relevant authority

This clause defines the relevant authority for the purposes of granting a water licence or a permit.

Division 2—Control of activities

129—Water affecting activities

This clause controls activities that affect water by requiring a water licence or an authorisation under clause 130 for the taking of water or a permit for other activities specified in the clause.

130—Certain uses of water authorised

This clause enables the Minister, by notice in the Gazette, to authorise the taking of water from a prescribed water resource.

131—Activities not requiring a permit

This clause sets out activities for which a permit is not required.

132—Notice to rectify unauthorised activity
This clause enables a relevant authority to direct a person who has undertaken an activity without authority to rectify the effects of that activity.

133—Notice to maintain watercourse or lake
This clause enables a relevant authority to direct the owner of land to maintain a watercourse or lake that is on or adjoins the land.

134—Restrictions in case of inadequate supply or overuse of water
This clause enables the Minister to prohibit or restrict the use of water in certain cases.

135—Specific duty with respect to damage to a watercourse or lake
This clause places a specific duty on the owner of land to take reasonable measures to prevent damage to a watercourse or lake on or adjoining the land.

136—Minister may direct removal of dam etc
This clause will enable the Minister to take action if a dam or other obstruction is affecting water. Compensation will be payable if a dam or other obstruction must be removed.

Division 3—Permits
137—Permits
This clause provides for the granting of permits. The granting of a permit must not be inconsistent with the State NRM plan.

138—Requirement for notice of certain applications
This clause requires public notice of applications if an NRM plan provides for such notice. The clause then allows interested persons to make representations to the relevant authority before a decision is made on the application.

139—Refusal of permit to drill well
This clause allows an authority to refuse a permit to drill a well if the water is so contaminated as to create a risk to health.

140—Availability of copies of permits etc
The relevant authority must make permits, and written representations received with respect to permits, publicly available.

Division 4—Provisions relating to wells
141—Well drillers' licences
This clause provides for the granting of well driller's licences.

142—The Water Well Drilling Committee
The Water Well Drilling Committee is to continue.

143—Renewal of licence
This clause provides for the renewal of well driller's licences.

144—Non-application of certain provisions
This clause enables wells of a class prescribed by proclamation to be excluded from provisions of this Division.

145—Defences
This clause provides a series of defences relating to drilling, plugging, backfilling or other activities with respect to wells.

146—Obligation to maintain well
This clause imposes an obligation to maintain wells.

147—Requirement for remedial or other work
This clause enables the Chief Officer to direct that certain action be taken with respect to wells.

Part 3—Licensing and allocation of water
Division 1—Licensing
148—Licences
This clause provides for the granting of a water licence. Subclause (3) sets out the grounds on which the Minister can refuse to grant a licence. A licence may be granted subject to conditions.

149—Variation of water licences
This clause provides for the variation of water licences.

150—Surrender of licence
This clause enables a licensee to surrender his or her licence, subject to obtaining the consent of any person with an interest in the licence noted on the register.

151—Availability of copies of licences etc
Copies of licences will be available for public inspection.

Division 2—Allocation of water
152—Method of fixing water (taking) allocations
This clause provides that a water (taking) allocation may be fixed by reference to the volume of water that may be taken, the purpose for which the water may be taken and used, or in any other manner.

153—Allocation of water
This clause sets out the methods by which water may be allocated under a licence. An allocation may be obtained from the Minister, from the holder of another licence, by conversion of a water (holding) allocation, or under an Interstate Water Entitlements Transfer Scheme. An allocation by the Minister may be subject to conditions. The Minister may refuse to allocate water to a person who has acted in contravention of the Bill.

154—Basis of decisions as to allocation
This clause makes specific provision in relation to the Minister's decisions to allocate water or set conditions. In particular, an allocation of water must be consistent with the relevant water allocation plan and the conditions attached to a licence must not be seriously at variance with the relevant water allocation plan.

155—Water (holding) allocations
This clause continues the scheme for the endorsement of water (holding) allocations on water licences.

156—Conversion of water (taking) licence
It will be possible to apply to convert a water (taking) allocation to a water (holding) allocation.

157—Allocation on declaration of prescribed water resource
This clause provides for the allocation of water on the declaration of a water resource. The main purpose of this provision is to preserve the rights to water of existing users.

158—Reduction of water allocations
This clause relates to the ability of the Minister to reduce water allocations in specified circumstances.

Division 3—Transfer of licences and water allocations
159—Transfer
160—Application for transfer of licence or allocation
161—Requirement for notice of application for certain transfers
162—Basis of decision as to transfer
163—Endorsement and record of dealings
These clauses set out a scheme for the transfer of water licences and for the transfer of part of the water allocation of a licence separately from the licence.

Division 4—Breach of licence
164—Consequences of breach of licence etc
This clause sets out the consequences of a breach of a licence, or of certain other requirements under this Chapter. The Minister will be able to cancel, suspend or vary a licence in certain circumstances. A right of appeal will lie to the ERD Court.

165—Effect of cancellation of licence on water allocation
A water allocation endorsed on a licence that has been cancelled will be forfeited to the Minister. The Minister must endeavour to sell the allocation and, on a sale, the proceeds will be applied in the manner specified by this clause.

Division 5—Schemes to promote the transfer or surrender of allocations
166—Schemes to promote the transfer or surrender of allocations
This clause preserves the ability of the Minister to establish certain schemes to promote the transfer or surrender of allocations, or the surrender of water licences, that relate to a specified area within the Murray-Darling Basin. There will be no obligation to accept an offer under a scheme.

Part 4—Reservation of excess water by Minister
167—Interpretation
168—Reservation of excess water in a water resource
169—Allocation of reserved water
170—Public notice of allocation of reserved water
These clauses continue the specific scheme under which the Minister may reserve excess water.

Part 5—Water conservation measures
171—Water conservation measures
This clause continues the scheme under which the Governor can introduce specific water conservation measures by regulation under this measure.

Part 6—Related matters
172—Law governing decisions under this Chapter
This clause makes specific provision with respect to the law to be applied, and the provisions of the relevant regional NRM plan to be applied, when a matter falls to be determined under this Chapter.

173—Effect of water use on ecosystems

An assessment of the quantity of water available during a particular period must take into account the needs of ecosystems that depend on the relevant resource for water.

174—By-laws

This clause continues the scheme under which a board may make by-laws for the purposes of these provisions. However, the matters with respect to which by-laws may be made will be prescribed by regulation.

175—Representations by SA Water

This clause allows SA Water to make representations in respect of water discharged into a watercourse or lake.

176—Water recovery and other rights subject to board's functions and powers

Certain rights will be subject to the performance or exercise of the functions and powers of boards under this Bill.

Chapter 8—Control of animals and plants

Part 1—Preliminary

177—Preliminary

This clause will enable the Minister to declare that specific provisions of the Chapter apply to specified classes of animals or plants, and also to declare control areas and prohibitions for those classes of animals or plants. Such a declaration cannot, except in specified circumstances, be made in respect of a class of native animals. The clause further provides for the establishment of three different categories of animals or plants subject to a declaration under this clause.

Part 2—Control provisions

Division 1—Specific controls

178—Movement of animals or plants

This clause creates offences relating to the movement of certain animals or plants into or within control areas. There is a defence available where the movement was carried out in accordance with a written approval given by an authorised officer, or the circumstances constituting the offence were not the result of a wilful or negligent act on the part of the defendant.

179—Possession of animals or plants

This clause creates offences relating to the possession of certain animals and plants within a control area, with the penalties gradated according to the category of animal or plant.

180—Sale of animals or plants, or produce or goods carrying plants

This clause creates offences relating to the sale of certain animals and plants (and other things carrying certain plants), with the penalties gradated according to the category of animal or plant. There is a defence available where the movement was carried out in accordance with a written approval given by an authorised officer, or the circumstances constituting the offence were not the result of a wilful or negligent act on the part of the defendant.

181—Sale of contaminated items

This clause creates offences relating to the sale of certain animals and plants (and other things carrying certain plants), with the penalties gradated according to the category of animal or plant.

182—Offence to release animals or plants

This clause creates offences relating to the release of certain animals and plants within a control area. There is a defence available where the movement was carried out in accordance with a written approval given by an authorised officer, or the circumstances constituting the offence were not the result of a wilful or negligent act on the part of the defendant, however the defence does not apply where an authorised officer furnished the defendant with a notice warning the defendant of specified matters. The clause also provides that the certain costs incurred as a result of a contravention of the clause can be recovered.

183—Notification of presence of animals or plants

This clause requires an owner of land within a control area to notify within a specified period the NRM group, or the regional NRM board if no such group exists, of the presence of certain animals and plants. The clause further requires an NRM authority to notify the chief officer, and the chief officer to notify the NRM group, in the event that the NRM authority becomes aware of the presence of certain animals and plants other than by notification under subclause (1).

184—Requirement to control certain animals or plants

This clause requires the owner of land within a control area to comply with the instructions of an authorised officer in relation to keeping certain animals and plants, with the penalties linked to the category of animal or plant.

185—Owner of land to take action to destroy or control animals or plants

This clause requires the owner of land within a control area to destroy certain animals and plants. The clause also requires the owner to control and keep controlled certain animals and plants. A relevant authority may, however, exempt a person from those requirements. Whilst breaching a requirement under this clause does not, in itself, make the person liable to civil or criminal action, a person may be liable if they fail to comply with the relevant requirements under clause 186. The clause also requires NRM groups to carry out proper measures for the destruction of certain animals and plants on road reserves within a control area.

186—Requirement to implement action plan

This clause enables an authorised officer to require an owner to prepare an action plan to address a breach of clause 185(1), (2) or (3), and sets out requirements for such a plan. It is an offence for an owner to fail to comply with an action plan. The Chief Officer, or an NRM authority may carry out appropriate measures in view of the failure of the owner. The clause confers certain powers on the Chief Officer and NRM authority, and reasonable costs and expenses may be recovered from the owner.

187—Native animals

Only a State authorised officer can issue a protection order or notice to prepare an action plan in relation to a native animal.

188—NRM authorities may recover certain costs from owners of land adjoining road reserves

This clause allows an NRM authority, under certain circumstances, to recover costs for the destruction or control of certain animals or plants on road reserves within a control area from owners of land adjoining the road reserve. An unpaid amount may be recovered (with interest) as a debt against the owner, and may also be remitted in whole or in part by the NRM authority.

189—Destruction or control of animals outside the dog fence by poison and traps

This clause allows an owner of land bounded by and inside the dog fence to lay poison or set traps in accordance with approved proposals on adjoining land immediately outside the dog fence for the purposes of destroying or controlling animals pursuant to this Part, and sets out the process for the approval of a proposal.

190—Ability of Minister to control or quarantine any animal or plant

This clause allows the Minister, for the purpose of controlling, or preventing the spread, of certain animals or plants, to declare a portion of the State to be a quarantine area. The clause sets out what requirements and prohibitions a notice under this clause can contain. It is an offence to contravene or fail to comply with a notice under this clause.

Division 2—Permits

191—Permits

This clause allows the relevant authority to issue a permit to a person authorising the movement, keeping or possession or sale of certain animals and plants. A permit may be subject to conditions, but may not be issued if a provision of Division 1 acts as an absolute prohibition of the conduct for which a permit is sought. In issuing a permit, a relevant authority must take into account and seek to further the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act. The clause also sets out consultation requirements for certain circumstances. It is an offence to contravene or fail to comply with a provision or condition of a permit.

Division 3—Related matters

192—Animal-proof fences

This clause provides that a certificate of the Minister is admissible as proof of certain matters in relation to the *Fences Act 1975*.

193—Offence to damage certain fences

This clause creates an offence for a person to interfere with an animal-proof fence except with the permission of the owner of the land on which the fence is situated. The court may order a person convicted of an offence under this clause to compensate the owner.

194—Offence to leave gates open

This clause creates an offence for a person to leave open a gate in an animal-proof fence except with the permission of the owner of the land on which the fence is situated.

195—Protection of certain vegetation and habitats

This clause creates an offence in relation to the clearance of native vegetation. A person must take all reasonable steps to ensure that clearance is not done except in accordance with the guidelines under the *Native Vegetation Act 1991*, and that damage or destruction to other vegetation is kept to a minimum. The clause also requires compliance with certain requirements set out in the regional NRM plan or prescribed by the regulations relating to the protection of native animals and their habitats.

Chapter 9—Civil remedies

Part 1—Orders issued by NRM authorities

Division 1—Orders

196—Protection orders

This clause enables an NRM authority or a State authorised officer to issue a protection order to secure compliance with the requirements of Chapter 2 Part 2, clause 135 or 185, a management agreement or any other prescribed requirement. The clause sets out the requirements and procedures in relation to making such an order. A protection order may be appealed to the Court within 14 days. An authorised officer may issue an emergency protection order orally in certain circumstances, but must then confirm the order in writing. It is an offence to refuse or fail to comply with an order.

197—Action on non-compliance with a protection order

This clause allows an relevant authority to take the action required by a protection order in the event that the requirements of the order are not complied with. The authority may recover as a debt from the person who failed to comply with the order the reasonable costs and expenses incurred in taking action under this clause.

198—Reparation orders

This clause enables an NRM authority or State authorised officer to issue a reparation order, if satisfied that a person has caused harm to a natural resource by contravention of the requirements of Chapter 2 Part 2, clause 135 or 185, a management agreement or any other requirement prescribed by the regulations for the purposes of this clause. A reparation order may require specific action be taken, or certain payments to be made, or both. The clause sets out requirements and procedures in relation to making such an order. A reparation order may be appealed to the Court within 14 days. An authorised officer may issue an emergency reparation order orally in certain circumstances, but must then confirm the order in writing. It is an offence to refuse or fail to comply with an order.

199—Action on non-compliance with a reparation order

This clause allows a relevant authority to take the action required by a reparation order in the event that the requirements of the order are not complied with. The authority may recover as a debt from the person who failed to comply with the order the reasonable costs and expenses incurred in taking action under this clause.

200—Reparation authorisations

If satisfied that a person has caused harm to any natural resource by contravention of Chapter 2 Part 2, clause 135 or 185, a management agreement or any other requirement prescribed by the regulations for the purposes of this clause, a relevant authority may issue a reparation authority, under which authorised officers or other authorised persons may take specified action on the authority's behalf to make good damage to the natural resource. The clause also sets out procedures and requirements in relation to making such an authorisation.

201—Related matter

This clause provides that a person cannot claim compensation from the Crown, an NRM authority, the Chief Officer, an authorised officer or other authorised person in respect of a requirement imposed by or under this Division, or an act or omission undertaken or made in good faith in the exercise of a power under this Division.

Division 2—Registration of orders and effect of charges

202—Registration

This clause allows the relevant authority to have the Registrar-General register an order or authorisation issued under Division 1 relating to an activity carried out on land, or requiring a person to take action on or in relation to land. Such an order or authorisation is binding on each owner and occupier from time to time of the land. The Registrar-General must, on application by the relevant authority, cancel the registration of such an order or authorisation and make appropriate endorsements to that effect.

203—Effect of charge

This clause sets out the priority of a charge imposed on land under Division 1.

Part 2—Orders made by ERD Court

204—Orders made by ERD Court

This clause sets out the orders that the ERD Court can make in relation to this measure, and requirements and procedures in relation to such orders.

Chapter 10—Appeals

205—Right of appeal

This clause sets out specific rights of appeal to the ERD Court. An appeal will, in the first instance, be referred to a conference under section 16 of the *Environment, Resources and Development Court Act 1993*.

206—Operation and implementation of decisions or orders subject to appeal

The making of an appeal will not, in itself, affect the operation of any decision or other action to which the appeal relates. However, the Court, or the relevant authority, may suspend the operation of the decision or other action if it thinks fit. A suspension may be granted subject to conditions.

207—Powers of Court on determination of appeals

The Court will have a range of powers on the hearing of an appeal, including to confirm, vary or reverse any decision, or substitute any decision, to order or direct a person or body to take such action as the Court thinks fit, and to make consequential or ancillary orders or directions.

Chapter 11—Management agreements

208—Management agreements

The Minister will be able to enter into a management agreement relating to the protection, conservation, management, enhancement, restoration or rehabilitation of any natural resources, or any other matter associated with furthering the objects of the Bill. The management agreement will be entered into with the owner of the land. The agreement will not have any force or effect under the Bill until a note relating to the agreement is entered on the relevant instrument of title or against the land.

Chapter 12—Miscellaneous

Part 1—Avoidance of duplication of procedures etc

209—Avoidance of duplication of procedures etc

This clause will allow an authority to accept a document or recognise a procedure under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth for the purposes of this measure.

Part 2—Other matters

210—Native title

Nothing done under this measure will be taken to affect native title in any land or water, unless the effect is valid under a law of the State or the *Native Title Act 1993* of the Commonwealth.

211—Service of notices or other documents

This clause provides for the service of notices or documents.

212—Money due to Minister

Money that is due to the Minister or another authority may be recovered as if it were unpaid levy.

213—Compulsory acquisition of land

This clause confers on the Minister a specific power to acquire land under the *Land Acquisition Act 1969* for the purposes of the measure.

214—Compensation

This clause provides for the payment of compensation in certain circumstances.

215—Immunity from liability

This clause provides specific protection in relation to an owner of land, the Minister, a person engaged in the administration of the Bill, or another authority or person who destroys an animal or plant, captures or removes an animal, or takes other action in relation to the control of animals or plants.

216—Vicarious liability

For the purposes of this measure, an act or omission of an employee or agent will be taken to be an act or omission of the employer or principal unless it is proved that the person was acting otherwise than in the course of the employment or agency.

217—False or misleading information

It will be an offence to provide false or misleading information under the measure.

218—Interference with works or other property

This clause sets out offences relating to interference with infrastructure, works and other property.

219—Criminal jurisdiction of Court

Certain offences will lie within the criminal jurisdiction of the ERD Court.

220—Proceedings for offences

This clause provides for the commencement of offences against the measure.

221—General defence

222—Offences by bodies corporate

These clauses are standard clauses.

223—Additional orders on conviction

This clause will allow a court on recording a conviction under the measure to require a person to take specified action to rectify the consequences of any contravention of the measure or to ensure that a further contravention does not occur, or to pay to the Crown an amount assessed by the court to be equal to any financial benefit that has been gained, or can reasonably be expected to be gained, as a result of the commission of the relevant offence.

224—Continuing offence

A person convicted of an offence will be liable to a penalty with respect to any continuing act or omission.

225—Constitution of Environment, Resources and Development Court

This clause deals with the constitution of the ERD Court when it is exercising jurisdiction under the measure.

226—Evidentiary

This clause provides for the proof of certain matters and the application of various presumptions.

227—Determination of costs and expenses

This clause makes it clear that the costs of an authority under the measure are the full costs that could be charged by an independent contractor.

228—Minister may apply assumptions and other information

The Minister will be able to apply various assumptions for the purposes of the measure.

229—NRM Register

This clause requires the Minister to keep a register of licences, permits, action plans and other prescribed matters.

230—Confidentiality

A person engaged in the administration of the measure will be required to keep certain information confidential unless he or she is acting in the performance of official duties or as required by law or authorised by the Minister.

231—Annual report

The Department will be required to provide specific information on the operation of this measure on an annual basis. This information will be included in the annual report of the NRM Council.

232—Damage caused by non-compliance with a notice etc

A person who suffers loss as a result of a failure on the part of another person to comply with a requirement relating to an action plan, or an order under Chapter 9 Part 1, may recover damages from that other person.

233—Recovery of technical costs associated with contraventions

This clause will allow a specified authority to recover costs and expenses in taking samples or conducting tests, examinations or analyses, in the course of investigating a contravention of the measure.

234—Incorporation of codes and standards

A notice, regulation or by-law under the measure may apply, adopt or incorporate, with or without modification, any code, standard or other appropriate document.

235—Exemption from Act

The Governor will be able to make regulations with respect to exemptions from the operation of the measure.

236—Regulations

This is a general regulation-making clause.

237—Review of Act by Minister

The Minister will be required to initiate a review of the operation of the measure. The review, and the report on the outcome of the review, must be completed by the end of the 2006-07 financial year.

Schedule 1—Provisions relating to NRM Council, regional NRM boards and NRM groups

This Schedule sets out common provisions for the NRM Council, regional NRM boards and NRM groups.

Schedule 2—Classes of wells in relation to which a permit is not required

This Schedule sets out classes of wells that are exempt from the requirement for a permit.

Schedule 3—Regulations

This Schedule sets out various matters for which regulations may be specifically made.

Schedule 4—Related amendments, repeals and transitional provisions

This Schedule sets out related amendments to other Acts. The *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*, *Soil Conservation and Land Care Act 1989* and *Water Resources Act 1997* are to be repealed. Part 18 of the Schedule sets out various provisions addressing a number of transitional issues associated with the enactment of this new legislation.

The Hon. I.F. EVANS secured the adjournment of the debate.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 927.)

Ms CHAPMAN (Bragg): This bill was introduced by the Attorney-General in the House of Assembly on 26 November 2003. It seeks to amend the Liquor Licensing Act 1997, substantially to permit and allow hotels, clubs and other licensed premises to trade until 2 a.m. on Good Friday. At present, trade concludes, without specific application, at 12 p.m. after Maundy Thursday.

For some years, the Australian Hotels Association has been lobbying for the relaxation of the rules to allow venues to apply for extended trading hours on Good Friday. Some have said that not many venues would avail themselves of the opportunity to trade after midnight on the Thursday night.

Presently, the Liquor Licensing Act limits the sale of liquor on Good Friday to persons consuming meals in restaurants, to guests in hotels and motels, and to patrons at functions at which food is served. So, in short, you are able drink alcohol, providing you are consuming it with food. Accordingly, each of those licensed venues which hold an extended trading authorisation to allow trading beyond midnight on Thursday cannot trade into the early hours of Good Friday.

There is already provision (in particular, section 44) in the Liquor Licensing Act which empowers the Commissioner to grant extended trading authorisations, and these commonly allow for trading from midnight to 5 a.m. The bill will require each venue to make an application for an authorisation and venues will be required to advertise the application and give 28 days notice to adjoining occupiers and the local council. Why is there such a fuss being made by some about this? I think it is fair to say that the religious significance of the

celebration over the Easter period (in particular, Good Friday) is well known to members of this chamber. It is obviously held sacrosanct as a day of celebration in the Christian community, and that should be recognised.

The Hon. M.J. Atkinson: Good Friday is hardly a day of celebration.

Ms CHAPMAN: Celebration in the broader sense, thank you, Mr Attorney. Indeed, it is recognised by the very fact that we respect the Easter season by the granting of two public holidays for those days. Whilst it is highly unlikely that many religious services will be taking place between midnight and 2 a.m. on Good Friday, unlike the Christmas period, where, in fact, on a—

The Hon. M.J. Atkinson: That's where you are completely wrong.

The DEPUTY SPEAKER: Order! The Attorney is completely wrong, because he is out of order.

Ms CHAPMAN: Particularly in relation to the Christmas period, commonly there are gatherings for celebration at midnight. Of course, any continued trading by premises on these occasions may well interfere inappropriately with any religious ritual or service that might be conducted at that time, and it is important that that be protected. In any event, while it may be likely to be a cause of concern on a limited number of occasions, it is important that we bear that in mind, and I think that the government has appropriately given consideration to that in the drafting of this legislation. In those circumstances, the opposition will be supporting the bill.

I might also address the fact that there are minor amendments to clauses 7 and 8 of the bill, which will extend the powers of a licensing authority to grant applications on the giving of undertakings. Presently, if an undertaking is given, that is, a licensed company changes directors, the matter has to be adjourned to enable the undertaking to be carried out. After it has been fulfilled the parties have to come back for a further hearing at which final orders are made. Clearly, the bill will avoid the need for the further hearing. That has been an issue which has been identified by Crown Law and which is noted by the opposition. In the circumstances this is not a controversial component and it should be supported. The preliminary clauses are such that it is necessary for the effect of the balance of the bill.

In relation to the consideration of this matter by the opposition, there have been communications with the AHA. While the AHA is an important representative body of hotels, it is important to recognise there are other entertainment venues that currently miss out on the opportunity to be able to serve alcohol with this restriction of the fact they are not serving food during these hours, so other entertainment venues will receive the benefit of this. Unquestionably, the AHA has been vocal in both the promotion and submission to encourage the government to bring forward this legislation. Indeed, it has been a valuable adviser in relation to the support that we now give the government in passing this bill.

A letter from Michael Jeffries, the manager of licensing and gaming at the AHA, states:

> Maundy Thursday is one of the busiest trading days for hoteliers. The AHA believes that an extension of trading from midnight on Maundy Thursday to 2 a.m. on Good Friday should be available to licensees in the same way the extended trading provisions apply to Christmas Day. The majority of people patronising hotels on Maundy Thursday do not consider the early hours after midnight to be Good Friday, in the same way they do not consider Christmas Day to commence at midnight. There appears to be community acceptance of Christmas Day trading from midnight to 2 a.m. and we would expect the same acceptance in relation to Good Friday trading.

Further in the letter a schedule is provided of the comparative general bar trading for each state, which incorporates the trading position for the sale of packaged liquor. While the divergence in trading rights around the country is quite apparent, there are no restrictions at all in the ACT across to Western Australia, which has the same trading options as South Australia. That can certainly illustrate to us that if there is anything in common with most of the other states, that is, there is either no restriction or some limit on restriction, there is therefore some case on a comparative basis for South Australia to allow its citizens also to have the benefit, either as a consumer or provider of alcohol, in those hours. The letter continues:

> It is interesting to note that the Liquor and Gambling Commission receive applications for limited licences for various functions to be conducted on Good Friday, mainly from ethnic groups who do not celebrate Easter at the traditional Christian time. The AHA believes it is important to recognise the multicultural nature of our society and allow people to make their own decisions as to whether or not they wish to have access to liquor on Good Friday. If legislation is amended, licensees should be given the option of trading or not.

Whilst I certainly do not wish to invite the type of debate that we endured last night by raising a multicultural aspect to the bill, I consider that a valid matter has been raised by the AHA. We need to recognise that, whilst this is an important occasion in the Christian community, and is broadly respected in the community and acknowledged by the very fact that (I am pleased to say) we celebrate this occasion, it is recognised in the form of a public holiday. However, not everyone does that and the history of restraint and restriction in relation to the sale of liquor has some bearing in relation to the history of non-trading on weekends and into the evenings. We are now living in another era. We now have a situation where it is a little like shop trading hours, where alcohol can be served but only with food and you are restricted otherwise if you do not have food. It is a rather absurd situation we have come to and it is important to recognise, as the government has done on this occasion, with a smaller amendment to the Licensing Act. Accordingly, the bill is supported.

Mr SCALZI (Hartley): I oppose this bill. I note that a lot of the argument for this bill concerns treating Good Friday the same as Christmas. In a multicultural and multifaith society, there lies the basis of the flaw in that argument. Christmas and Good Friday, although both important events to Christians, are different from each other. For Christians, Christmas Day is a celebration of the coming of Christ. It is filled with hope and is therefore a celebration. Good Friday is an important day for Christians and we must bear in mind that, although the attendance at services may not be the same as it was 20, 30 or 40 years ago, to Christians Good Friday is still a very important day. As has been said, we are not asking for prohibition on Good Friday. Those who go to events and partake of food are able to consume alcohol.

Members may be aware that for Catholics, and in many other Christian denominations, the celebration of the Eucharist does not take place on Good Friday. It is a time of mourning and reflection. It is the day on which Christ was crucified. It is different, and society respects that not only as a Christian tradition but also as a long-standing tradition of Australian society. We are getting to the stage where multiculturalism is used wrongly: it is not often put into perspective. Multiculturalism is also about multifaith and respect for other people's beliefs. We are talking about two hours, and I do not think that it is too much to ask the AHA

to give that up, considering all the trading hours they have. They cannot sacrifice Good Friday, which to Christians is the ultimate sacrifice. I find it an inconsistent and wishy-washy argument to hide behind multiculturalism to promote commercialism on Good Friday.

The Hon. M.J. Atkinson: That is just rubbish what they are arguing; I agree with you.

Mr SCALZI: I am pleased that the Attorney-General agrees with me; I am glad that he said that, and I look forward to his contribution. I could go on, but I think I have made my point on this issue clear. For people to say, 'Joe, you do not have to go to a licensed premises from 12 to 2 a.m.' I think is a very poor argument. This has been a very important aspect not only for the Christian community but also for Australian society. After all, Australia was founded on many of these principles; we were a Christian community. I respect other faiths. People have used the argument of multiculturalism, but I have not received letters from the Buddhist community, the Islamic community, the Jewish community or any other group advocating that we should extend the hours. Let us not hide behind multiculturalism on this aspect, because that argument is flawed.

The Hon. M.J. Atkinson: Like you did last night.

Mr SCALZI: No, let's not go back there.

The Hon. M.J. Atkinson: No, let's not got back there.

Mr SCALZI: This debate is too serious to go back to last night. I believe that not only are we not showing respect to the Christian community but we are also not showing respect to what has been an important value in the general Australian community. As I said, it is not too much to ask the licensed premises to give up two hours on one day to maintain not only the Christian tradition but also the Australian and South Australian tradition. After all, it is supposed to be the city of churches—

Ms Ciccarello: As we argue it isn't.

Mr SCALZI: The member for Norwood says that they argue that it isn't. I will not reflect on the member for Norwood; she can vote and speak on this bill as she wishes and I will respect that. I know that most probably my views will not be taken into account and I will lose, and I will respect the vote, but I will not go to licensed premises, firstly, on Holy Thursday night, which is important for Christians—

The Hon. M.J. Atkinson: Last time I bought you a drink you wouldn't finish it because of the person who was serving it.

The DEPUTY SPEAKER: Order!

Mr SCALZI: The Attorney-General is misrepresenting me. I do enjoy a glass of wine and a glass of beer—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The member for Hartley and the Attorney are straying from the substance of the bill.

Mr SCALZI: This is not about prohibition. No-one is being asked not to drink, in moderation. I am not against drinking: I think Christ's first miracle was to change water into wine. There are a lot of furphies about this. Good Friday is an important day. I ask members to reflect on this: it is not too much to sacrifice two hours of commercialism to respect not only a multicultural society but also a multi-faith society, to respect each other's faiths and to know that this is an important day not only for practising Christians but also for many South Australians who respect and observe this day.

Mr RAU (Enfield): The past couple of days have been very instructive for me, as a new member. Yesterday, I found myself in the midst of a very heated and detailed discussion about the merit of consumption of dogs and cats. One of the lines of argument that we heard yesterday was a rough translation of Marie Antoinette's great adage, 'Let them eat cat', and others were opposed to that. I think it is amazing that tonight we are again marching into this cultural area. As I said yesterday, we effectively said that certain cultural practices are not to be acceptable. Today, the member for Hartley is saying that we should retain some sort of special status for Good Friday. I have looked at the legislation, and it seems that Christmas Day does not enjoy the status that Good Friday enjoys.

Some other groups were mentioned by the member for Hartley—for example, the Islamic community has the annual Ramadan period. I do not think anyone would suggest that we should have hotels closed during Ramadan—not that I imagine a lot of the members of the Islamic faith would be in hotels during that period, anyway. The point I am trying to make is that we can get into an awfully confused area here.

I do not know why it is that this legislation has come forward in the way in which it has and it is now occupying our time. However, as it is here, I think we have to be consistent and, in effect, the question is: are we drawing a line between Christmas day and Good Friday? I do not consider myself sufficiently versed in theology to be able to make a intelligent argument one way or the other about that matter.

The only point I would like to make to the members present is that this reminds me of one of my favourite themes here, which is national competition policy, and the idea that Australia is to be homogenised by virtue of edicts coming from a small ivory tower somewhere in Canberra. This does have that sort of feel about it—the idea that we are putting competition, trading and various other deemed positive activities ahead of what other people regard as their cultural or religious entitlements. If the member for Hartley is really serious on this point, he needs to look at all the other legislation that comes through here where the national competition policy is dictating to us about what we are to do about Bali, chickens or any number of other things. It is really quite disturbing.

I think that, at the end of the day, it comes down to this: is it possible to draw a line in the sand between the present situation, where Christmas Day does not have the prohibition but Good Friday does? As I said, I do not consider myself qualified enough to make a judgment call on that matter. I understand the member for Hartley is probably qualified to answer that, and I think probably the member for Playford is. But I am still juggling in my own mind with how this debate lines up with last night's debate—the 'Let them eat cat' debate.

That debate seemed to go on for some time, and I hope that this one will not go much further. So I will not make it worse by standing any longer, and I will be voting accordingly.

The DEPUTY SPEAKER: For the benefit of the member for Enfield, I think every day is a new day in here. It bears no relationship to the previous day. The member for Playford.

Mr SNELLING (Playford): I rise to speak against this bill, even though we will in fact be voting for it.

Ms Chapman: The Jack and Joe party.

Mr SNELLING: Yes, I think that is what it would probably become. The prohibition on trading for liquor outlets on Good Friday is but a passing acknowledgment of our society's origins in Christendom and the fact that our laws and institutions are inherited from western civilisation

which, of course, has its origins in western Christian society. Our prohibition on trading for liquor outlets is a passing acknowledgment of that fact, and I think that dispensing with that passing acknowledgment is a shame. It may seem rather trivial to some members, but I think our symbols in our society are important, no matter how trivial and meaningless they may seem to some members.

It is also a fact that the majority of South Australians describe themselves as Christian. Even though they may not necessarily practise that Christian faith, that is nonetheless how they describe themselves. I do not think that it is too much to ask that one day a year liquor outlets are not allowed to trade. This bill—

Ms Chapman: It's only for two hours.

Mr SNELLING: The member for Bragg says it is only for two hours, if I heard her correctly, and while, strictly, it is, I think I can guarantee that in the next few years we will have another bill before us and the hoteliers will say, 'We can trade until 2 a.m. Why can't we open on the morning of Good Friday, and we will have normal trading hours?' This is trying to achieve normal trading hours for liquor outlets on Good Friday by stealth.

My greatest concern with this bill is that it is about stripping our society of the last of its Christian symbols merely for crass commercialism. There is nothing good or honourable or well-intentioned in this legislation. This is all about money and crass commercialism, and I think that is a great shame.

The Hon. G.M. GUNN (Stuart): I do not have to say very much. I entirely endorse the comments of the member for Playford, and I certainly will not be voting for it. I think this is an unnecessary piece of legislation. I am surprised that the Attorney-General is the minister in the house dealing with this matter because there have been no cogent reasons given that we should dilute the value of Good Friday. I do not think it is necessary. I entirely agree with what the member for Playford has said. Surely, we can have two days of the year where it is not necessary to have liquor outlets trading.

Is that a small action that we have to take? Is it necessary to encourage people to consume more alcohol? Is that a good thing? I am not a teetotaller: I have been accused of having Presbyterian values, and I own up to that. I own up to it and make no apology, but I think that this is a step in the wrong direction.

The Hon. M.J. Atkinson: When was the last time you made an apology in the 14 years that I have been here?

The Hon. G.M. GUNN: The Attorney-General is often a reasonable fellow to deal with, but on occasions he displays streaks of petulance. I think he undersells himself. He wants us and those late-night listeners that he bombards-and I do feel sorry for them-with his brand of radical conservatism—

Members interjecting:

The Hon. G.M. GUNN: No, if he were orthodox he would be supporting our point of view. He is a bit cynical, because he wants people to believe that he is one of those upright citizens who wants to protect public morals and the good standing of the community, those things that the member for Hartley and I stand strongly for. I am sorry that the Attorney is going to vote in this legislation, and I think it would be a good idea if we were to tell those late-night listeners that he is the architect, that he is piloting through the parliament this rather—

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order! The member for Stuart is straying from the substance of the bill.

The Hon. G.M. GUNN: Surely not, Mr Acting Speaker! If I am straying, could I make the observation that the member for Enfield seemed to get nowhere near the bill. Nevertheless, I want to have it on the public record that I am certainly not going to support this proposal and shall be voting accordingly, and I hope that the overwhelming majority of members do likewise.

Ms CICCARELLO (Norwood):I am very surprised and bemused by the fervour with which members are objecting to this proposal. We could refer to some of the things that were said last night, and it would appear that the comments that have been made are in direct contrast to those issue of people being able to conduct themselves as they see fit. However, we are looking at a society that has changed very much over the past 50 years. I well remember, as a seven year old child when first in Australia, that on Sundays you could not do anything except go to church. Everything was closed. I remember a neighbour of mine berating me because I was wearing trousers on a Sunday, and it was deemed unfit for a young girl to be parading herself in trousers.

In the early years, the Irish Catholics had populated this country and, coming from an Italian Catholic background, I would have to say that there is a vast difference between the way the Irish Catholics and the Italians celebrated their faith. I well remember, when we were trying to get some feasts and festivals in the churches, that the Irish priests objected very much to having these great celebrations because they were deemed unfit. After not having lived in Italy for many years, I was somewhat taken aback when I found that in Rome and every other Italian city, and probably in most European Catholic countries, Good Friday, whilst its religious significance is certainly celebrated, is a normal day, when everything happens just as it does on every other day.

In fact, if you go to Rome you will find that what happens it that the Pope leads the Good Friday procession from San Giovanni in Laterano, which is the catholic cathedral in Rome, down to the Colosseum for the celebration on Good Friday evening. But, other than that, everything occurs as normal. Many people are quite surprised when they come here to find that on Good Friday in Australia everything shuts down.

If we do want to respect other religions, if we do want to say that we are a multi-cultural society, then, given what is being said by members on the opposite side, that we should not allow anything—

Ms Chapman: And some on your side.

Ms CICCARELLO: And someone on this side; yes, thank you the member for Bragg—to occur on Good Friday, we should say that we should respect every other festival and every other religious occurrence in every other religion and take stock of that in our multi-cultural society. I see no harm in the extra two hours and I certainly will be supporting this. I am sure that in a few years time this will be further extended. The member for Playford has said that he fears this might be the thin end of the wedge, but I see no problem at all with this proposal.

Mr VENNING (Schubert): If I was wise I probably would not enter this debate. I have interests on both sides of the issue, representing the Barossa Valley and having an electorate that certainly has a strong involvement with alcoholic drinks, particularly wine, but I do believe that one

has to go back to one's natural roots to consider an issue like this. Irrespective of all other things, I believe that there are two holy days in our year: Christmas Day and, of course, Good Friday. I believe that most of my constituents, who are strongly Lutheran, will be very cross with me if I stood in this place and said, 'Open up the pubs for an extra couple of hours on Good Friday.' I believe that a lot of my constituents would have a drink on Good Friday, but they would have it with their family at home. Any good Christian person would make that arrangement before Good Friday, because it is a family day. After going to church in the morning, they would get together for a family function and a lovely meal and celebrate or recognise the crucifixion of Our Lord, and then they would have a drink.

Born a Methodist, and now as a Uniting Church member, I am torn between the alcoholic habits—or lifestyle or whatever you would like to call it—and the churches, because they all have a different perspective. Being brought up a Methodist, I was an absolute teetotaller. My father was a teetotaller, and I never had an alcoholic drink until 1990.

An honourable member: You've made up for it since.

Mr VENNING: So, you could say I have had a rapid escalation, now being a baron of the Barossa, but I respect the beliefs of people, particularly the Methodists. I will never hear criticism of a good Methodist. I have some concern with the modern Uniting Church, of which I am still a member—

The Hon. M.J. Atkinson: As well you might.

Mr VENNING: I do have a problem, because they have not given me the advice and the strength that they might have, over the years, not like the Lutherans. They have certainly always given me good and quick advice. Given the Lutheran pastors in my electorate, I have a mind to take up dual membership of both the Uniting and the Lutheran churches. I do not think that I will ever forgo my past in relation to the Uniting and Methodist churches, because the family has been steeped in them for generations. I do not think I could that, because I am very strong in my family roots, but I have so much consideration, time, respect and admiration for the Lutheran teachings, as I believe does the Attorney-General, because they are very close to the Catholic doctrines—but the Catholics certainly enjoy a drink as well.

The Hon. M.J. Atkinson: I attended a liturgy at Langmeil only three weeks ago.

Mr VENNING: What a fine church that is. There is nothing better than the Langmeil full of people with someone who can play the organ, and that is what Christianity is all about. Originally, I thought that maybe the extra two hours would not mean much, but I am a firm believer in the thin end of the wedge.

Mr Caica interjecting:

Mr VENNING: It is not different. Christmas and Good Friday are no different. They are the holy days of Our Lord. A lot of us profess to be Christians, but we are a bit lazy in serving the Lord, in our belief and in our attendance at church, and I am one of those. The problem with our profession is that, if Sundays are free, we spend them sleeping because we are weary from the rest of the week, but that is not an admirable thing to do. I take my hat off to people such as the Attorney-General, the Hon. Andrew Evans in the other place, the member for Hartley and others who make the time to attend church, but I am one of the lazy ones. However, I always hope that I will improve.

Over the years, Sunday has been vilified. In my youth, Sunday was a holy day, and we never worked on that day. As the member for Stuart knows, my father worked 24 hours a day, but he never worked on Sunday. However, over the past 20 years things changed, and that was sad. Sunday was a family day and it was something special. Many of our younger generation are missing out on families and family days, and Sunday was a day that was dedicated to the family; if you did not have your family about you, you saw somebody else's family. It was a non-working day. You did not do on Sunday what you did on every other day; in other words, you did not go to the pub, you did not play sport and, more importantly, you did not work, unless you had an essential job in a very important industry, such as working in a hospital and so on.

Having listened to the speeches of my colleagues over the past few minutes, I thought I would pass on some of my reflections. I am happy for my constituents to read what I say about the Lutheran church and about an industry in which 97 per cent of my constituency is involved, namely, wine production. As you know, Mr Deputy Speaker, that industry is booming. The increase in the wine industry over the past 12 months is staggering, and we will get a shock when we see the latest statistics. Only 12 or 18 months ago, about a third of Australia's wine came from the Barossa; however, now it is way over half and rising. So, I have this conflict when weighing up the promotion of alcohol and wine in all its forms—and glory to the Barossa—

The Hon. W.A. Matthew interjecting:

Mr VENNING: I can fill it, if you like. In this instance, it is the Lutherans and others who believe there are days that should remain holy. I believe that allowing the hotels to remain open on Good Friday would be a bad thing, and I will be interested to hear what the Attorney-General has to say in his final remarks. I notice that he has the Good Word open in front of him, and you do not often see that in this house.

In this instance, I oppose this, because I believe that my electorate, above any other electorate in the state, is still very family and church oriented but still enjoys a good drink, too. However, on Sunday they can have it at home and not in a hotel.

The Hon. W.A. MATTHEW (Bright): I also stand to oppose this legislation. In so doing, I put on record that I am able to do so without fear or favour in this house. It is without fear or favour and without fear of being expelled from the Liberal Party for stating my view, if that view were, on this matter or any other matter, not to be in accord with the majority wishes of my party. It is on that issue that I sympathise with the member for Playford and others who share his view because it is quite clear that this is yet another piece of legislation where Labor members have been denied a conscience vote. I feel for the member for Playford who has taken the opportunity available to him to at least indicate his opposition to the bill, but then indicate that he has to vote for it. That is unfortunate because it means the member for Playford can not stand up for his convictions or for the beliefs of the people he represents by voting in accord with the way he believes he ought to vote in this house. How can you have a parliament with conscience when you have the Labor Party constantly nobbling its members and threatening them with expulsion if they vote in the way they believe is appropriate? That troubles me and it will trouble every South Australian.

Mr RAU: On a point of order, Mr Deputy Speaker: I am actually really enjoying this, because we did talk about this earlier today. However, it does not appear to be relevant to the matter presently before the chamber. I think there are

procedures that will enable us to deal with this in another way.

The DEPUTY SPEAKER: On the matter of relevance, as referred to by the member for Enfield, the member for Bright should come back to the substance of the bill.

The Hon. W.A. MATTHEW: This is the very substance of the issue. Regardless of the views of members of parliament on parts of this bill, if you have one mass of the parliament that have, behind closed doors, outside of public view, been directed to vote in a particular way, that has an effect of the democratic process. That has an effect on the outcome of this bill, and it has an effect on the outcome of many bills in this parliament. That is the insidious way in which the Labor Party machine works the community viewpoint and works legislation that goes before this house.

I believe this to be a very important piece of legislation. This legislation starts to focus on the fringe of some of the very nature of the principles that have brought about our western societal democracy as we know it. I am sure that all members would agree that the type of democracy we enjoy is a democracy that has its birthplace within western Christian principles. I do not think any member would disagree that that is the foundation of the Westminster system of democracy that we so freely enjoy. There is no doubt that time moves on, but the issue is: do values need to be eroded over time? There is a very important reason why the legislative protection of Good Friday is there. It is because Good Friday is a day of mourning. I have heard a number of members ask what is the difference between Good Friday and Christmas. Christmas is a day of celebration. It was not so many years ago when there were changes to those days also.

I see this as just another piece of legislation that makes another change that erodes a further value and that will be the forerunner for more legislation to make more changes. Outside the religious celebrations, beliefs and practices there is also the irony that presently in my electorate I have more public uproar over the endeavours by a hotel that has just changed ownership, the Brighton Esplanade Hotel, to change its hours of operation on a daily basis. The Attorney-General is well aware that bills like this give the opportunity for hotels to extend their hours but there are often local licence criteria that have to be met. I have local residents in Brighton who are up in arms over endeavours to extend trading until 2 a.m. each day of the Brighton Esplanade Hotel, because they have to put up with, regrettably, the drunken antics of patrons who are there until that later closing time.

My understanding is that this bill will allow liquor to be served without food from midnight until 2 a.m. That will be two hours in the morning of Good Friday for people to be drinking and not eating. I know what is going to happen in my electorate if this bill passes and it then flows on to the trading hours of local hotels. It will mean that my constituents will have to put up with drunken louts on the streets outside their homes, and on the foreshore and surrounding areas, skidding their cars after 2 a.m. on Good Friday.

Outside of the religious significance issues there are also the issues of lifestyle and amenity, and there has to be a time when this parliament starts to say, 'Enough is enough.' I am not going to stand up in this house and, without a fight, allow my constituents to be subjected to further hooliganism around the streets of these hotels, without the whole issue being addressed. Rather than extending the trading hours on Good Friday I believe that parliament needs to have a very close look at trading hours as they currently exist, with a view to questioning the way in which those hours operate, for we are seeing too many communities having their lifestyle trashed by drunken fools on the street after the hotels close. The beauty of shorter trading hours is that if those people want to drink then they can drink at home, they can drink with their friends, they can drink away from a licensed establishment. But they are not in their cars skidding around the streets. It could be argued that this is actually encouraging more people onto the streets in their vehicles and driving on yet another day, and I would have thought that that was not in anyone's interest. So, I implore the government to seriously consider the wisdom of putting forth legislation such as this, and to sensibly examine whether—looking at road accidents, road fatalities and injuries—they ought, in fact, to be focusing on how they may tighten up the law rather than expanding trading hours opportunities.

We have heard the Minister for Transport speak in this house of the initial recommendations by the committee chaired by Sir Eric Neale on ways in which to reduce the road toll and reduce accident injuries. I would have thought that an examination of the hours of operation of hotels and an examination of the accidents that occur after hotel closing times, in association with blood alcohol level, would be a worthwhile exercise. I venture to suggest that there would be a one to one relationship between some—if not a significant proportion—of those accidents and the hours of operation of those hotels. Every member of parliament who supports this legislation, allowing people to drink after midnight until 2 a.m. on those days where the drinking time is extended, will, effectively, be saying that they are prepared to bear the responsibility for further road accidents, further road carnage and further disruption to people's lives. I believe that we have reached the stage where the line needs to be drawn and that such legislation is not appropriate.

Further, in view of the direction that the government claims to be taking in relation to civil liberties, protection of the public from hooliganism, and their focus on road safety one would have thought that they would, at the very least, have given their members the freedom to vote in accordance with those principles. But not only has the government gone against those principles that they profess to have, they have also nobbled their members and prevented them from having a conscience vote on this issue. For that reason, I have strong feelings of sympathy for people such as the member for Playford, whom I know to be an honourable man who stands by his convictions. But he is not able to vote in accordance with them, and that must be particularly difficult. Not that I would expect him to cross the floor against his party and come and join the Liberal Party, for I know to do so would be expecting too much of the member for Playford. But the honourable member is always welcome to join the Liberal Party in discussions of a sensible way forward for his future in the house.

In summary, I see this as being a bill that would—through a process of stealth—change many of the respectful ways in which religious belief has been upheld and protected in our society. I see this as being the first of a further run of bills that will make further changes, and I do not believe that that enhances the respect of religious belief and feeling, good common sense, road safety protection and values that our community deserves.

Ms THOMPSON (Reynell): I rise to support this bill, mainly because I am getting rather tired of hearing people opposite pontificating and waffling about issues that should be going through this house on the basis of cooperation and

with sufficient time allowed for people to bring real objections to the matter before the house. We have been sitting through many bills lately where we have just had waffling and pontificating and no real action. We have much pontificating from the members of the opposition about the fact that in two years this government has not fixed matters that they did nothing about in eight years. They seem to have entirely forgotten that, when in opposition, this government did cooperate to enable measures to go through the parliament. Having examined the substance of the matter—

The Hon. W.A. Matthew interjecting:

The DEPUTY SPEAKER: Order! The member for Bright is out of order and the member for Reynell is moving away from the substance of the bill.

Ms THOMPSON: Having examined the matter, we cooperated. This a matter on which there should be cooperation between the opposition and the government. This bill is a simple measure designed to allow hotels the same right as restaurants in relation to trading in the early hours of Good Friday. I recognise that, for many people in this community, Good Friday is a day of great religious significance. For many others, it is not: it is the commencement of a weekend of special celebration, fun and other activities. I do not choose to go out drinking in the early hours of the morning, whether it is Good Friday or any other day.

Members interjecting:

Ms THOMPSON: I am getting far too old. I am far too concerned about my well-being and health and my ability to live to a ripe old age than to go out wasting the early hours of the morning. I might have done it once, but I do not now; many young people do. These days many young people have this strange notion of only going out at 11 o'clock—the night does not start for them until 11 o'clock—whereas, some years ago, I would start the night much earlier. We need to allow these young people to enjoy the amenity of the rare activity of a long weekend, just as we need to allow people for whom this religious day is special to observe that day.

We seem to have the quaint notion that all over the world—at least all over the Christian world—things stop on Good Friday. I was extremely surprised to discover that this is not the case when, about 20 years ago, I was in the UK and had a flight booked back to Australia on Good Friday. I spent most of the Wednesday and Thursday beforehand panicking about how on earth I was going to get out to Heathrow for about a 10 o'clock flight on Good Friday. It could not have been 10 o'clock, because I saw the shops open before I left; in any case, I was assured that all the tubes would be running. I said, 'Yes, but where is the public holiday timetable?' They said, 'Public holiday? What do you mean?' I said, 'Do you call them bank holidays here?' They said, 'A bank holiday? What do you mean? Good Friday? The Friday before Easter? Everything is the same. What are you on about?' Indeed, I discovered that, on Good Friday, a very important day to Australians—Christians, for its religious significance; others, because it has become an institution in our life—in the UK it was just another trading day. The shops were open. The trains ran to their normal time. I could get the express out to Heathrow every fifteen minutes, as I understand has been the case day in, day out for some time. I do not know what happens on Christmas Day but, certainly on Good Friday, the Heathrow express ran and the shops were open—life was continuing as normal.

Good Friday, as we celebrate it, is our cultural institution but, for some, the celebration continues very early into Good Friday morning. There is nothing in this bill that prevents people making religious observance being able to undertake that important activity on Good Friday.

The bill removes an anomaly which prevents hotels from trading in the same way that restaurants can. I do not support there being silly loopholes in the law. I do not support one section of industry having conditions that another section does not have. It is something we should just get on with and fix up and not spend all this time carrying on about, pontificating and waffling.

Mr MEIER (Goyder): We have heard quite a few contributions. I will not be supporting this bill. I note that, when he introduced the bill, the Attorney said:

> First, it will permit hotels, clubs, entertainment venues and other licensed premises to apply to the licensing authority for authorisation to trade until 2 a.m. on Good Friday.

Following an interjection from an honourable member, the Attorney said:

> And may God forgive me.

A little further he said:

> Owing to my distress at reading this speech, I seek leave to have the balance of the second reading explanation inserted in *Hansard* without my reading it.

I think that the Attorney summarises his true feelings, and I respect them. It is a pity that he and several of his colleagues cannot exercise their vote. I think it is a very poor reflection on the Australian Labor Party and, hopefully, in due course, it will change the imposition of that tough condition. This is not a straightforward bill in real terms because I also note that, at present, wineries and other producers are at liberty to serve and sell their product on Good Friday whether or not the patron has a meal. The licensing authority can, if it sees fit, also grant a limited licence for a special occasion that is held on Good Friday.

We should not kid ourselves and say that we are completely opening the door. The door has been opened, and part of the problem is that we are trying to shut it after the proverbial horse has bolted. As one who does believe in Christ, I believe that we should be doing everything we can to endeavour to reset the standards, and this is one way to do it. Look at our young people. We have heard a fair bit of debate this week about nightclubs and how many of our young people who frequent them are on drugs. I think that we would probably find that at least 80 to 90 per cent of the young people in some of the nightclubs are on drugs.

If members have young people with whom they are associated they would know that that is the truth and has been for quite some time, and what are we going to do about it? We are going to seek to impose tougher penalties. By the way, I am still waiting for the budget to see how much will be spent on new prisons. I would say that it will be hundreds of millions of dollars. We will certainly need the new prisons as a result of the introduction of the laws we are going to throw at offenders. Mr Deputy Speaker, do you not think that a simple way, as I just said, is to try to set the standards?

This is a simple measure. We can say, 'Well, let us try to cut things back for two hours so that for one day of the year—maybe two if you include Christmas Day—we can have just a little bit of peace and quiet. If you have to be out drinking every night of the year, well, I feel sorry for you. I am sure there would be some wives and families who would be delighted that we have done our bit to try to bring some family member home two hours earlier than they would normally come home. No, it will not fix all our woes by any

means. Certainly it will not fix a lot of the problems, but it will do a little bit. It will be a step in the right direction.

That is a key reason why I will not be supporting this bill, let alone the fact of that very significant occasion when Christ was literally led to the slaughter, and thank goodness he was otherwise none of us would have the option of eternal life. I cannot see much reason for living if we did not have the option of eternal life.

Mr BROKENSHIRE (Mawson): I hope the Attorney-General will give me the opportunity to speak because this is still—

The Hon. M.J. Atkinson: Well, it is not as if I could deny it to you.

Mr BROKENSHIRE: I am sure that the Attorney would like to deny me the opportunity. The fact is this is still a democratic state—only just, I might add, the way in which this government is going. This is still a democratic parliament, and it is still a Westminster parliament, based on the foundation of Christianity—and long may that be the case in Australia and South Australia.

It disappoints me that the South Australian community have not woken up to what we have governing us, that is, an extreme, left wing socialist government that can put on the facade that they are in touch with mainstream South Australians, and that carries on about creating history making law and order policy and the like, about which we hear day in, day out. They blame everyone, get angry in the media, attack licensed clubs and hotel venues, and blame parents, but do not have one solution for the problems they are causing through their continuing policy and the destruction of the social fabric of the community of South Australia.

We saw this stuff evolving back in the Dunstan years. The Premier, Mike Rann, now says that Don Dunstan was a great leader and a man with foresight—a great man who had all these initiatives to make South Australia better. I will say again on the public record tonight that one of the reasons why we have dysfunctional families in South Australia and Australia, the breakdown in the communities in South Australia and Australia, and the destruction of our social fabric from what it was like when I was a young person in the 1960s and early 1970s because of two key people, who Mike Rann, the Premier of this state, believes were so magnificent in their leadership: No. 1, Gough Whitlam, and No. 2, Don Dunstan, and we have premier Mike Rann modelling himself on those two people.

Members opposite may well laugh, but what they want to remember is that when you look at the statistics of this country, fortunately—and I give thanks and prayers for this—the absolute majority of Australians still believe in Christianity.

Ms Breuer: Oh rubbish!

Mr BROKENSHIRE: The member for Giles says 'Rubbish' to that. Well, I wonder what the people in Whyalla who go to church on Sunday believe about the social fabric, when she says 'Rubbish,' because it is a fact that the absolute majority of Australians are Christians, and there are two particular days that are absolutely paramount to those of us who believe in Christ: one is Good Friday and the other is Christmas Day, and without being able to celebrate those days—

The Hon. M.J. Atkinson: One is Good Friday and the other is Easter Sunday.

Mr BROKENSHIRE: And, of course, Easter Sunday is the third day. There are three significant days, I acknowledge that. However, one of those very important and significant days is Good Friday. What sort of message are we sending to Christians in South Australia and people generally who might not necessarily go to church but still have faith? Why are we seeing a growth in many of the Christian private schools? Because people are reaching out to rejoin that social fabric, and they want to see their children learning about Christianity. This government is sending a message to people that even on such an important and special day as Good Friday we will allow hotels to open for two hours.

I am no wowser, and I do not mind a good drop of McLaren Vale wine—the greatest wine in the world, when you look at the red shiraz wine—every now and again. However, you have to draw the line somewhere, and that line needs to be drawn right here and now. There is no need for people to be able to consume alcohol for those two hours. If they need to do so, they should buy it before midnight and take it home where they would at least be with their family and friends on that special eve prior to Good Friday.

I want to know why this government is so hell-bent on introducing this bill. I want to say to the people of South Australia: have a very close look at Mark Latham's policies. Yes, he may be like Mike Rann, and he may paint the facade—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Mawson is straying a little. I am not sure what Mark Latham has to do with Good Friday.

Mr BROKENSHIRE: He has a lot to do with it, because I am simply lining up the policies of the Latham leadership in opposition with the policies of the Rann Labor government in this state. I say to the community of South Australia that they should look very closely at the hidden agenda. What we are debating here is a classic hidden agenda of the Rann Labor government. They should look at some of the matters that are going on with same sex couples and some of the legislative work that the Attorney-General is doing at the moment with gender neutral wording in legislation. These are the things at which I want the people of South Australia and the electorate of Mawson to look. I do not believe the majority of the community in Mawson wants to see this extension of trading. I know from spending a lot of time with them that they want to see respect for Good Friday.

I absolutely oppose this bill. I appeal to the community of South Australia to stop looking at the facade, the cheap talk and the media spin of the Rann Labor government and to look at the substance of this government. I say that it is lacking and that we had to pick up the threads when it came to economic and social values when we were elected in 1993. They are going back down the gurgler right now; economically they are going down the gurgler and in relation to employment they are going down the gurgler, and they are trying now to send the community of South Australia further down the gurgler when it comes to the wrong messages that are anti-Christian and, the final point, further breaking the social fabric of South Australia. While I have the opportunity and privilege to represent my community in this state, I will not tolerate it and I intend to spend the next two years, with every bit of breath and energy I have got, exposing the Rann government for what it is—and this is a classic case of it. I want everyone in my electorate to read exactly what the government is doing with this legislation that is absolutely anti-Christian and against the basic fundamental foundation of South Australia.

Mr KOUTSANTONIS (West Torrens): I listened with great amusement to the sermon from the mount opposite by the member for Mawson. I wonder where that enthusiasm was in 1994 when the Hon. Graham Ingerson decided he would abolish the prohibition of trading on Sundays. It is a bit hypocritical for the member for Mawson to get up in this place and call the Australian Labor Party anti-Christian when he is the man who introduced a bill to legalise prostitution in South Australia.

Mr Brokenshire: Beg your pardon?

Mr KOUTSANTONIS: Don't beg my pardon: it was your bill.

Mr Brokenshire: It was four bills, mate.

Mr KOUTSANTONIS: The moral compass opposite tells us that he introduced four bills. Well, he is right; he did introduce four bills—one to crack down on prostitution and the other three to liberalise it.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: He interjects, 'Which one did I vote for?' Well, which ones did he introduce? Before he comments on the splinter in our eye—

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order! The member for West Torrens has the call. The member for Mawson strayed in his contribution but the member for West Torrens should not stray in his.

Mr KOUTSANTONIS: Yes, sir, thank you. Before the member for Mawson comments on the speck in our eye, he should look at the groping huge forest growing out of his. The honourable member talks about two hours on Good Friday. As an Orthodox Christian, having to suffer the indignity of having regular training on most of my Good Fridays and Easters, I have put up with it quite easily. But for someone, who before an election said that they would never ever abolish the prohibition of trading on Sundays, to introduce a bill, pass it illegally, have the High Court of Australia overturn it to force them to bring it back here, and then vote to make the Sabbath a day of work, and then come in here and tell us that we are anti-Christian is the height of hypocrisy. I have never accused anyone in this place of being anti-Christian.

I have my Christian views and I hold them very dear. The former minister of police introduced a bill to legalise prostitution, so it is a bit rich to come here and tell us that we are anti-Christian. I do not say it is a good idea, but it is not a bad idea either, but to say it is the beginning of the break-down of the social fabric of our community shows how out of touch the member for Mawson is. It is typical of a desperate man who sees his political future being washed away by the Liberal Party in its death throes. What is the last refuge of a scoundrel? Religion! When all else fails, call your opponents anti-Christian, communists, traitors or anti-Australian. The last refuge of a scoundrel! In the United States it was called McCarthyism. Now we will call it—

Mr Scalzi interjecting:

Mr KOUTSANTONIS: One member opposite has been consistent in his views on our social fabric—the member for Hartley. I consider him a friend of mine—

The Hon. M.J. Atkinson: To the point of dreariness.

Mr KOUTSANTONIS: Straight as a gun barrel—he has not deviated once. No-one can ever accuse the member for Hartley of introducing a bill to legalise prostitution. We cannot say the same for the member for Mawson.

Mr BROKENSHIRE: On a point of order, sir, this is a gross misrepresentation of the facts. As a previous minister yourself, sir, you know that ministers have to do things at times according to their ministerial responsibilities.

The DEPUTY SPEAKER: Order! It is not a point of order. If the member for Mawson feels that—

Mr Scalzi interjecting:

The DEPUTY SPEAKER: Order! The member for Hartley does not speak over the chair if he wants to stay in the chamber. If the member for Mawson feels he has been unfairly represented by the member for West Torrens he can use the avenues of parliament to do it, but he cannot use a point of order to counter the debate from the member for West Torrens.

Mr KOUTSANTONIS: The member for Mawson said that often ministers have to do, not what they believe, but what is in the best interests of their portfolio. Yet, he gets up in this chamber and says that the member for Croydon, the Attorney-General, is anti-Christian because he wants to extend trading hours for two hours on Good Friday. Listen to the hypocrisy!

Ms Thompson: Thinking has never been his strong point.

Mr KOUTSANTONIS: As my colleague says, thinking is not his strong point. If the member for Hartley criticises this bill I respect that, because he has a record. When the member for Goyder says that he opposes the bill I listen, because he has a reputation to fall back on and has been consistent in the past, but when the member for Mawson gets up and tells us about Christian values I laugh, because this man wanted to see legalised brothels in South Australia and gave people an opportunity in this parliament to make it happen.

Mr BROKENSHIRE: On a point of order, sir—

The DEPUTY SPEAKER: Before taking a point of order I point out that the member for West Torrens is straying from the substance of the bill.

Mr BRINDAL: On a point of order, sir, I thought it was improper to reflect on previous votes on this house. The member has clearly done so. He may refer to the member for Mawson, but the same applies to me and I take exception.

The DEPUTY SPEAKER: Order! He has not reflected on the vote of the house but has commented on what he sees as the person who has introduced the bill. He is not reflecting on the vote. Does the member for Mawson have a point of order?

Mr BROKENSHIRE: You did a very good job in picking up the point about relevance, sir.

The DEPUTY SPEAKER: Members need not get overexcited and indulge in unhelpful comments about their colleagues. The member for West Torrens.

Mr KOUTSANTONIS: I will adhere to your ruling, sir. The member for Unley has been here a lot longer than me. If he learnt to read the standing orders he would know that we can reflect on votes from the same session, but we are always educating the member for Unley—he is always learning. I will just say that the government is not doing this because we are antiChristian, and I think that is a gross misrepresentation and an unfair misrepresentation upon members in this place and, indeed, I would say it is almost verging on being unparliamentary. I do not believe it is fair to criticise the goodwill of anyone on either side of this place, because I remember when I was a candidate for parliament coming in here and listening to speeches of members opposite. I heard the member for Unley say that he was sick and tired of hearing Labor members talking about how the Liberal Party is always attacking workers, because they in the Liberal Party did care about workers, and I thought that was a valid point

because, whether or not they were misguided, they had these intentions. I can say that I will be supporting this bill because it is not a matter of conscience—

Mr Venning: You don't have a choice, Tom.

Mr KOUTSANTONIS: I have plenty of choices, member for Schubert, but I choose to vote for this bill and I support the Attorney-General and the Premier in this move. I think that members opposite who are calling us antiChristian should reconsider that point of view and look at the specks in their own eyes.

Mr BRINDAL (Unley): In deference to my senior colleague, I briefly want to rise—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: The Attorney is out of order!

Mr BRINDAL: If the Attorney would indulge me, I will endeavour to be brief.

The DEPUTY SPEAKER: Order! The member for Unley will ignore out of order interjections from the Attorney who is quiet when he is reading and I would encourage him to keep reading.

Mr BRINDAL: The Attorney loves to inflame me, I have worked that out, sir. I would like to join my colleagues in opposing this bill, and might I say to the member for West Torrens that I do not think that his position on previous bills in this house necessarily transfers to other bills. I support—

Mr Koutsantonis: AntiChristian, are we?

Mr BRINDAL: No, I am not saying you are antiChristian.

Mr Koutsantonis interjecting:

Mr BRINDAL: No, sorry, I am giving my contribution, member for West Torrens, and it is this. I support the reform of prostitution law. I believe that that is from a set of Christian values—

Mr Koutsantonis interjecting:

Mr BRINDAL: No, that is my personal belief, but I am saying that I will oppose this bill. I feel sorry for the Attorney introducing a bill such as this because I can see from his second reading explanation that it is not in his heart to do so, but he has a job to do and he is doing the job that this government is paying him to do, and therefore I feel sorry that the Attorney is not a member of a party which allows him the freedom to vote otherwise tonight and, indeed, the member for West Torrens. I think there must be some people, such as the member for Playford, who may have some personal concerns about this, though the Attorney will never tell us, that were probably expressed in the caucus room. If we think about it, there were probably views put last night that were expressed very strongly in the caucus room, yet he had the temerity to deny that he had ever heard that line of argument before. It is amazing what you hear in the corridors about who said what to the Attorney before he came in here, but he has a very short memory.

I feel sorry for the Attorney. Last night we debated a bill about the consumption of animals in South Australia, and as a parliament you held a position with which I did not agree on the grounds that this was a—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: No, this was a companion animal, therefore it was important.

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order! The member for Giles is out of order and the member for Unley wants to revisit last night which the chair does not particularly want to do: it was very painful to be in the chair.

Mr BRINDAL: Mr Deputy Speaker, I am not revisiting last night and I am not canvassing that debate; I am canvassing a principle of debate which not 24 hours ago was being debated in this chamber. The majority of this chamber voted for something for companion animals for a group of people who are particularly attached to cats and dogs. All I am saying is that the member for Goyder and various other members in this chamber on both sides of the house are attached to a set of values and beliefs that makes Good Friday a particularly sacred and important day in the year, and a day that arguably does not start even at midnight but starts some time before midnight.

The Hon. M.J. Atkinson: Why?

Mr BRINDAL: Because the details of the passion, as told in Christian gospel, is that the last supper started earlier in the evening and Gethsemane, the garden and all that, happened progressively throughout the evening. For Christian people, Good Friday is a particularly important and sacred day. There are a lot of Christians in this state (probably as many as there are cat and dog lovers) who will be upset by the passage of this legislation.

I just put to the house that last night we made a decision about cats and dogs for animal lovers. This is a much more profound decision in that it affects the core religious beliefs of a great section of the South Australian community. And the same government that last night said, 'Ooh, hoo, let's not upset the cat and dog lovers'—

The Hon. M.J. Atkinson: And how is *Hansard* supposed to render that?

Mr BRINDAL: It was 'ooh hoo', and I waved my hands. The same people who last night wanted to protect the cat and dog lovers tonight are coming here and saying, 'Oh, well, bother the Christians.' I just ask the Attorney whether his government is really concerned for people and their beliefs, or is his government more concerned than even the Liberal Party for profit motive? Because what is there to opening these clubs after 12 o'clock on one night of the year except profit motive? I do not think that there is a case for this. I do not think it matters to the great majority of South Australians. It certainly matters to the great majority of club going South Australians. It certainly matters to the great majority of Christian South Australians and I, along with my colleagues, will not be supporting this. While I am not prepared to call it anti-Christian, I am prepared to say that this is stupid and ill-advised legislation, and I feel very sorry—

An honourable member interjecting:

Mr BRINDAL: —I am concluding—that an intelligent Attorney-General has been reduced by his caucus to bringing in such piffle.

The Hon. R.G. KERIN (Leader of the Opposition): I have heard some of the contributions tonight and, because of some of the—

The Hon. M.J. Atkinson: How about speaking from your place.

The Hon. R.G. KERIN: The Attorney always seems very interested in the really important issues for the state—

An honourable member: We can't hear you.

The Hon. R.G. KERIN: Okay.

The DEPUTY SPEAKER: Order! Members should have some respect for other members.

The Hon. R.G. KERIN: I think a couple of members of the government have just given me a perfect lead-in to what I wanted to say. Quite frankly, having listened to the debates over the last two nights, I am disappointed with this parlia-

ment. We have some major issues out there. Last night we heard the debate on cats and dogs, and last night and all day today we have had to listen to the Attorney-General out there dining on that issue of cats and dogs. Yesterday in this place the member for West Torrens (who is the President of the ALP in this state) said, when I asked a question about employment, 'Haven't you got a more important issue to ask a question about?' Fair dinkum! It is about time that we all got down to the real issues. We have heard this government ignore questions on employment, tourism and whatever in the last couple of days. They are very important issues. Yet, the major issues we have debated have been about whether or not the hotels are going to close at 12 or 12.30 in the morning—

The Hon. M.J. ATKINSON: Sir, I rise on a point of order. My point of order is one of relevance. We have a topic before the house, and the Leader of the Opposition has risen to say that the topic is irrelevant and that we should not be debating it.

The DEPUTY SPEAKER: Order! There is no point of order. The chair has been tolerant and listened to a lot of irrelevant contributions by many members. I think the leader is trying to make a point that ties in with the substance of this debate. We will hear the leader out.

The Hon. M.J. Atkinson interjecting:

The Hon. R.G. KERIN: I will get to the substance. I think the substance of this is: it is a conscience vote. Every member of this parliament is quite within their rights to put their point of view. I suppose because it follows on what we heard last night and today, and the fact that we have had lots of rhetoric but we are not seeing the important legislation come up—

The Hon. M.J. Atkinson interjecting:

The Hon. R.G. KERIN: Yes, we will get to that in a tick. I have a view on everything. The Attorney played games with last night's contributions in here and, quite frankly, today had the media around with respect to that issue rather than important issues such as employment in this state, which is in a parlous condition. I think it is a poor—

The Hon. M.J. Atkinson: You've got it wrong again.

The Hon. R.G. KERIN: What the government is bringing up as legislation is a poor reflection on it.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! The Attorney will hear the leader. The leader is straying a little from the substance of this bill.

The Hon. R.G. KERIN: I acknowledge the right of every member to have their point of view. I am a Catholic and Good Friday is a big day for the Catholics, so to speak, but I have heard what everyone else has said and I do not have a problem with 2 o'clock. Quite frankly, the Christian thing is that most people normally go to church at 3 o'clock on Friday afternoon. I do not totally agree with some members on either side as to whether or not it should be 12 o'clock or 2 o'clock. I do not really care. If you look at consistency, I have no problem with 2 o'clock. I have a problem with the fact that we ought to get on and deal with some of the real, serious issues in this state rather than grandstanding on some issues. I support the bill but I encourage the government to get on with something that is really important.

The Hon. M.J. ATKINSON (Attorney-General): I thank all members for their contributions. I am pleased that it has been a robust debate. I want to deal with one egregious error put before the house by the member for Bragg and again by the Leader of the Opposition, and that is the idea that between midnight and 2 a.m. on Good Friday no religious services occur. It is quite true that the principal services of that 24 hours are the early evening service on Maundy Thursday to commemorate the institution of the Eucharist and the service at 3 p.m. on Good Friday to mark the crucifixion. But there is another service that is less well patronised that goes between the two continuously, and that is the vigil before the Blessed Sacrament in the Altar of Repose.

I refer the member for Bragg and the Leader of the Opposition to three of the gospels, Matthew, Mark and Luke, and I will read from Mark in particular. It reads:

> And they came to a place which was named Gethsemane: and he saith to his disciples, Sit ye here, while I shall pray.
>
> And he taketh with him Peter and James and John, and began to be sore amazed, and to be very heavy;
>
> And saith unto them, My soul is exceeding sorrowful unto death; tarry ye here, and watch.
>
> And he went forward a little, and fell on the ground, and prayed that, if it were possible, the hour might pass from him.
>
> And he said, Abba, Father, all things are possible unto thee; take away this cup from me: nevertheless not what I will, but what thou wilt.
>
> And he cometh, and findeth them sleeping, and saith unto Peter, Simon, sleepest thou? couldest not thou watch one hour?
>
> Watch ye and pray, lest ye enter into temptation. The spirit truly is ready, but the flesh is weak.
>
> And again he went away, and prayed, and spake the same words.
>
> And when he returned, he found them asleep again, (for their eyes were heavy,) neither wist they what to answer him.
>
> And he cometh the third time, and saith unto them, Sleep on now, and take your rest: it is enough, the hour is come; behold, the Son of man is betrayed into the hands of sinners.

The significance of that passage for many Christians is that they try to do what the disciples did not do, that is, maintain wakefulness before the Blessed Sacrament, which is the very body of Christ, between the close of the Maundy Thursday service and the principal Good Friday service at 3 p.m.

That is a vigil that my parish keeps, and it is quite possible that, as the riotous patrons of hotels spill onto the pavement at 2 a.m., the concentration of those keeping the vigil may be affected. Nevertheless, that position has not prevailed. I have enjoyed the debate and the exchanges. Obviously, I am more sympathetic to the views of those who oppose the extension of trading hours, but as I heard the member for Mawson make his contribution I was reminded of the words of the Duke of Wellington: 'I don't know if they frighten the enemy but they certainly frighten me.'

The house divided on the second reading:

AYES (29)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Conlon, P. F.	Evans, I. F.
Foley, K. O.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Redmond, I. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (13)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Goldsworthy, R. M.	Gunn, G. M.

NOES (cont.)

Kotz, D. C.	Matthew, W. A.
Meier, E. J.	Penfold, E. M.
Scalzi, G. (teller)	Venning, I. H.
Williams, M. R.	

Majority of 16 for the ayes.

Second reading thus carried.

Bill read a third time and passed.

SELECT COMMITTEE ON THE CEMETERY PROVISIONS OF THE LOCAL GOVERNMENT ACT

Adjourned debate on motion of Hon R.B.Such:

That the report be noted

(Continued from 24 November. Page 852.)

The Hon. R.B. SUCH (Fisher): Back on 24 November, I commenced noting the final report of the Select Committee on the Cemetery Provisions of the Local Government Act. As members would be aware, debate was adjourned. I made brief reference then to the fact that the committee had received over 200 submissions. I now wish to briefly outline some of the detail that the committee covered, the recommendations and to acknowledge the work of the various members who were involved in that committee.

The committee was given a very difficult task, and that was to look at the administration, cultural and religious issues and the legal framework within which cemeteries operate in South Australia. It is fair to say that the issue of the reuse of graves and the treatment of the graves of ex servicemen and women were the issues that drew the most attention.

As I have indicated before, approximately 200 submissions were received and many witnesses appeared before the committee. Many of those submissions called for interment rights to be granted in perpetuity, and that is still a very sensitive and relevant issue in the community. Many people feel that if you are buried, you are there forever and should not ever be touched.

The committee recognised this and was well aware of strong opposition to the reuse of graves but, obviously, the committee had to look at all aspects, including submissions from all interested parties, including those involved in the management of cemeteries and other relevant authorities. The committee spent many hours weighing up the competing concerns expressed in the wish of many people in the community for grave sites to be undisturbed, but it had to weigh those concerns against the very significant issue of how the community could or should fund that desire.

After considerable deliberation and submissions, the committee decided that it could not support the principle of perpetuity for all graves if it meant additional costs or levies being imposed on members of the community who did not intend to bury their loved ones in a metropolitan cemetery. Therefore, it considered that reuse should continue but under a changed set of rules.

The committee recommended that the current limit of 99 years on interment rights be removed and replaced by a minimum of 25 years, with automatic rights of reissue and flexible payment terms, in addition to the capacity of individuals to purchase perpetuity if they so chose. Members of the committee considered that the establishment of a 25-year minimum, together with better consultation, education and greater flexibility of payments, would simplify the situation and make it easier to obtain perpetuity.

The committee was aware that it has always been possible, upon appropriate payment at the end of tenure, for an interment to effectively be in perpetuity but that the significant upfront fees could be prohibitive. It was also noted that many non-metropolitan cemeteries, in effect, offered perpetuity.

On that point, I think members should consider that, in reality, the issue facing cemeteries and grave site use in the metropolitan area is really a reflection of the fact that land is a scarce commodity in the metropolitan area. The pressures forcing up house prices, because of the increased cost of land, are the same pressures that are forcing up the cost of burial sites and cemetery usage and maintenance in the metropolitan area. So, it follows that the same problems do not exist to the same extent in country areas, and that is also reflected, to a large extent, in house prices.

I am not trying to devalue or diminish the importance of burial, but I think that members need to realise that it is the shortage of land and the consequent rise in the price of land that is being reflected in the cost of providing grave sites and their maintenance costs in the metropolitan area.

The other issue, other than perpetuity, which I indicated at the start, related to the matter of war graves and the right of ongoing maintenance and commemoration, which the committee acknowledged is a commonwealth issue. The wider community obviously has a very strong interest in this issue. It is an emotional matter, which is understandable, as is the matter of perpetuity.

The Office of Australian War Graves maintains the graves and renews the tenure of all service men and women who died during a war period, that is, the two world wars, the Korean War, the Vietnam War or any other recognised emergency situation. These people are categorised as ‘war dead’. Service men and women who die outside of those periods do not have their tenure renewed by the commonwealth. The committee believed that, as a minimum, those who served overseas during a period of war and died of a war related cause (currently categorised as ‘post-war commemoration’) should enjoy the same rights as those categorised as ‘war dead’. The committee acknowledged that the state government does not have direct responsibility for that, nor this parliament.

It recommended that the commonwealth government negotiate and enter into arrangements with cemetery authorities to effect perpetual tenure for the existing graves of commonwealth war dead and that those arrangements be extended to those with post-war commemorations. This is a very important issue because there is considerable distress, as there is in the case of the reuse of graves and the removal and possible destruction of memorials and headstones. It is important that this matter be addressed as a matter of urgency with the commonwealth. At the moment, it is a fair summary to say that it is an unsatisfactory situation. There have been instances where some of the commemorative material in cemeteries of those who served overseas has been removed or is likely to be removed. That situation needs to be addressed.

Among other things, the committee also recommended the establishment of a new act to consolidate all relevant legislation into one management of human remains act. Presently, there are different practices relating to the identification of bodies in regard to cremation vis a vis burial. The committee recommended the establishment of a new

authority with monitoring, advisory and regulatory powers for cemetery management and planning in South Australia. It also recommended that some councils join together to establish a new metropolitan cemetery. The committee took that view because, presently, some councils have cemeteries; some do not. Some have business arrangements involving the management of cemeteries; many do not. Clearly, we are one community and one metropolitan area and the committee felt that the current situation was somewhat ad hoc and not ideal.

Therefore, there needs to be greater coordination of the role of local government authorities in the management and planning of cemeteries and related matters. The committee recommended a new identification system and disposal process to minimise error in the disposal of human remains. Whilst there is a tight system for people being cremated, it cannot be said that there is a tight system for people being buried. The committee heard that cemetery authorities take at face value the name that appears on a coffin. There is no checking to ensure that the person inside corresponds with the name on the coffin. The committee was not suggesting that there is widespread abuse or that there is known to be abuse of that practice, but it was uncomfortable with the fact that in presenting a coffin for burial at the cemetery, there is no necessary correlation between the name on the coffin and the person inside. The committee was not comfortable with that situation and recommended a new and better identification system and disposal process to minimise error.

The committee recommended a prescribed consultation process at the end of tenure to ensure that every effort is made to contact relatives. At the moment it is very difficult to trace where people are buried or what has happened to them in terms of the funeral and cemetery processes. That gave rise to a recommendation that there not only be greater consultation so that people know what is involved in terms of a tenure, a licence or lease expiring, but also that a central register be established using the register of births, deaths and marriages to maintain interment records. It is a sad fact that we have no record of who is buried in many cemeteries, and it seems logical and sensible that the Registrar of Births, Deaths and Marriages maintain a register of interment records. It would make it a lot easier for relatives to find out where loved ones were buried or whether they had been cremated, and so on.

The committee also recommended the clarification of the conditions and rights of grave reuse. One of the problems with the whole matter of leases and licences is that people are signing documents at a time of sadness. They may not be paying particular attention to the legalities of what they are signing, and the committee felt that it was important that when a licence or lease is taken out people know exactly what they are doing—there would be no fine print—and that people also know what the implications and legal aspects are in terms of the possible reuse of a grave site if a lease or licence is not renewed. It was obvious to the committee that a lot of people in the community were not aware of what they had actually signed because, as I have said, people are usually in a state of mourning and are not necessarily focused on the legalities to which they are committing themselves. The committee recommended that all manner of burial practices be permitted as long as public health and community standards of decency are observed. The committee also recommended the introduction of a code of practice for funeral directors and standards for coffins. At the moment there is no standard, and the committee heard some examples where standards were lacking. Obviously, this can be upsetting for grieving relatives and friends if things go wrong because coffins and so on are not of a proper standard.

One of the committee's terms of reference was to look at innovative proposals for cemeteries. The committee supported the use of multipurpose garden-style cemeteries, including natural burial cemeteries developed as forests. This is something that I believe will become very much established in Australia in the years ahead; it is already the case in the United Kingdom. What is happening is that people are being buried in cardboard or wicker coffins in areas in which a forest is established. A tree is planted above the deceased and it becomes a perpetual memorial, largely without cost, where the community gets the benefit of a park, a forest, a place where people can go and pay respect, but it is very different from a conventional cemetery which may have headstones of granite or similar material or which is often a lawn-type cemetery. These so-called 'natural burial' cemeteries have been established in the United Kingdom and New Zealand, and I believe that we will soon see them established here. Having had the privilege of chairing this committee, I think that—in terms of my own future—that that is a choice that I would like, that is, to support and be part of a natural burial cemetery. And I thank members for their donation towards that!

Finally, the committee was established on 21 November 2002, and it reported almost exactly one year after that date. I acknowledge the membership of the committee: the members for Unley, Colton, Norwood, Heysen and Playford and—while he was not necessarily there in body, he was in spirit—the Minister for Urban Development and Planning. He was there in spirit and we were always waiting for him to come around the corner but he never quite got there. He was always in our thoughts. I pay tribute to Mr David Pegram, the parliamentary officer, who did a fantastic job; to Ms Anni Foster, who is a managing solicitor from the Crown Solicitor's office and the research officer on the committee and who did an excellent job; to Ms Soo-Sing Kang who is from the Crown Solicitor's office, and she was excellent as a support officer as well; and to Mr Russell Starr, who is a principal planning policy officer with the Office of Local Government and was a research assistant.

The contribution of the staff was outstanding and made the job of the committee a lot easier. It is a difficult thing to look at and it is very emotional. Even today, I have had a letter from someone in America, and I still get correspondence from people who are not completely happy with the recommendations of the committee. However, as I tell them, it is up to the parliament and the government to act on those recommendations because it is fair to say that the committee put in a lot of time and effort trying to come up with the best solution to a very difficult and emotional set of circumstances. I think the committee is to be commended on tackling what has been an issue in the too-hard-basket for a long time. I commend the report to the house and believe that it is the basis for sensible and sound decision-making.

I believe that the issues of perpetuity and so on can and will be addressed, including for people to recognise that, in country or nearby country areas, they can have that situation if they want. However, the reality in the metropolitan area is that the pressure on the land and the cost of maintaining cemeteries means that the committee felt that there was no alternative but to have a re-use option which takes into account people's wishes and ensures perpetuity for the least cost possible. So, I commend the report to the house.

Mr CAICA (Colton): My contribution will be brief. This was my first involvement with a select committee. I must admit that when I was nominated I was not filled with a great deal of excitement given the subject that we were covering. However, I guess like all subjects, once you scratch beneath the surface—and I do not mean that in any flippant way—it was a fascinating subject. What was clear was the emotion and sensitivity of the subject. That was clear at the public meetings that we held where—I am not sure how many people were there, but there were quite a few—they were filled with emotion. Clearly, in their view, the current arrangements, processes and legislation did not meet their requirements. Certainly, they were not happy with it. That is not to suggest, as the member for Fisher said, that we would be able to please everyone with the recommendations. I know we have not, but one of the focuses of the committee was to allow a great degree of flexibility so that the majority would be able to be satisfied with respect to their views on burial procedures and the like.

I also thank the membership of the committee: the member for Unley, the member for Norwood, the member for Heysen, the member for Playford and—although he did not thank himself in his contribution—the member for Fisher for the manner in which he chaired the committee. I also congratulate and thank Mr David Pegram who did an outstanding job as the secretary and, indeed, those other people who were appointed to the committee who made our job a lot easier: Ms Anni Foster, Ms Soo-Sing Kang and, of course, Russell Starr. I think that we have done a fairly good job—

Mrs Redmond interjecting:

Mr CAICA: I do not know whether you heard earlier but I mentioned Mr David Pegram. I am happy for the benefit of the member for Heysen to thank him again. So, I thank David Pegram once more for his efforts. My mother used to say that self praise is no recommendation. I think that she is right, but I believe that this committee did do a very admirable job with respect to concluding this report. The only point I would like to reinforce is that made by the member for Fisher. We have discharged our responsibilities and, I believe, we have discharged them admirably. The ball is now in the government's court, and consequently the parliament, for it to do as it sees fit. The reality is, I guess, that reports—and I have not been around a long time—of select committees are collecting dust, where ever reports are kept in this building. I would recommend that this report be looked at, that the bull be taken by the horns and that the changes that are promoted within the report are considered in the first instance by the government and subsequently the parliament.

Mr BRINDAL (Unley): I, too, would like to commend to the parliament the work of this committee. I was a member of the committee and it was, indeed, an interesting committee. I do not want to repeat what the member for Fisher said or, indeed, what the member for Colton said, but I do wish to make a few brief points. The central issue at the core of all our deliberations was the issue of people's right, should they have a belief (especially should they have a belief), for burial in perpetuity.

Much of the evidence before the committee was that a great many Australians would like to think that their remains or the remains of their loved ones would be left undisturbed forever. The reality facing the committee is that this comes at a cost. No matter how long civilisation exists in the form that we know it on the Adelaide Plains, if the remains of a person are to be kept forever in a reasonable condition, that is, the grave site is to be kept in a reasonable condition, someone must maintain that grave site, and anyone doing labour will be worthy of their hire. So that if, in 500 years, someone is maintaining a grave at Centennial Park someone living then will have to pay the bill.

In wrestling with this fundamental problem it was pointed out to us that it can be solved and it is solved in Sydney, because grave sites are actually in perpetuity. It was also pointed out to us, quite graphically, that if one goes to Sydney one will see that some of the 'in perpetuity' grave sites are a parlous reflection on our respect for our dead. It has been said that a measure of the civilisation of a society is the respect that is paid to their dead. Horatio said in *Horatio at the Bridge*: 'How can man die better, than facing fearful odds for the ashes of his fathers and the temples of his gods?' If one looks at Sydney, as I said, where there is perpetuity, some of the grave sites are absolutely abysmal. They are worse than rubbish tips: filled with weeds and feral cats—a good thing for Aboriginal hunters from the Pitjantjatjara lands—running around in the weeds and things like that.

An honourable member interjecting:

Mr BRINDAL: Well, I do not know. The issue of perpetuity occupied the committee. I believe that the committee's decision is the only reasonable and intelligent one that can be reached, that is, that what we recommend this parliament consider is that every person has a right to perpetuity of their grave site. They can take a lease, before they die, in perpetuity. They can take a lease in increments of 25 years. They can go from 25 years to perpetuity. That is entirely the right of every individual South Australian. However, if they wish a lease to be in perpetuity, some actuarial work must be done to ascertain the cost of perpetuity.

It is amazing then the divergence that emerged. Everyone wants perpetuity but no-one wants to pay for it. It is a bit the story of government, I suspect. Even when we are on this side of the house we realise that when you are on that side of the house the problem for every minister is that everyone in South Australia wants every service at the Rolls Royce level and no-one wants to pay anything for it. The Australian government wrestles with the same dilemma. Australians are great people for wanting something for nothing, grave sites more than anything else. They want Aunt Matilda to rest in perpetuity so long as it costs as little as possible to do so. The select committee said—I think, very rightly—that perpetuity should be a right for any Australian, but any Australian who wants perpetuity should be prepared to pay for it.

Indeed, we have examples in places such as Italy, which is the ancestral home of some of members in this place. They get nothing like perpetuity: they get about seven years in a grave site. You go to visit the grave and there is a sign saying, 'Your relative has been moved to ossuary number such and such.' The ossuaries are simply huge vats filled with the bones of thousands of people. Being good practising Catholics, they know that at the resurrection God will sort them out, because they all have to get their own bits and pieces back together so that the living and the dead can be judged. The Catholics of Italy seem to have no problem with not even 'dig and deepen', which is proposed in Adelaide, but 'lift up, throw somewhere else and she'll be right, because at the resurrection God will get it sorted out.' I am sure that, in His infinite majesty, He will get it sorted out.

That lay at the core of the committee's deliberations. There was some real concern in the evidence presented as to

the problems for deceased persons (which I think one member has already alluded to), which was that most of our law—it's interesting, the Attorney is here now.

The Hon. M.J. Atkinson: With respect, I have been here the whole time.

Mr BRINDAL: Well, I didn't notice you before; you were quiet for more than five minutes. Because we are living human beings and our being is sacred, because of ancient things like slavery, there is a whole body of law that gives no-one—apart from ourselves—rights over ourselves. When we die, it becomes, in a sense, problematic because, being dead, we can exercise no rights in respect of our physical remains.

The Hon. M.J. Atkinson: There's your will.

Mr BRINDAL: I am talking about the actual physical body. The Attorney should read the report, because it is really quite interesting. There are great difficulties when you die. It was put to us in evidence that really the only way you get from your deathbed to your final resting place is by the exercise of a whole lot of goodwill.

I think the Attorney would remember the case of an undertaker (it was during the time of the Attorney's predecessor) who had simply falsified a few documents and actually kept people in the fridge. He had simply failed to bury them and, when they were discovered, they were green and mouldy. They then had to be buried. The Attorney would remember; it was an interesting case. The man had committed—

An honourable member interjecting:

Mr BRINDAL: I have forgotten his name, and it would probably be better not to mention it.

The Hon. M.J. Atkinson: Yes, now I remember; it was a constituent of mine.

Mr BRINDAL: That's why I said it would be better not to mention it, Attorney. The fact is that when it came to analysis, even though everyone found this a most horrid violation of the rights of dead people and their families, there was very little the perpetrator could be charged with other than filling in a false report or something like that.

Mrs Redmond: Breach of contract.

Mr BRINDAL: Yes, breach of contract, or something like that. It was a dead person, and the only person who could exercise rights on their behalf was the dead person themself, and they could not exercise their rights.

An honourable member interjecting:

Mr BRINDAL: Yes, the member for Goyder is a member in perpetuity of this place, but I do not know about his burial rights. So, they are the two core issues.

Mr Meier interjecting:

Mr BRINDAL: I am not going to take my full 20 minutes, because the member for Goyder is worrying about me. I want to refer to a letter that came to this place from the Beit Shalom Synagogue with respect to the recommendations of the select committee. I will write back to them at a personal level, because I think they make some wrong assumptions. The synagogue seems to think that we were not allowing for Jewish rights and customs. I think that is an unfair conclusion to draw. I think, rather, the tenor of the select committee was to allow all groups, no matter what their beliefs, so long as those beliefs did not contravene the decency standards or health standards of the majority of the community, to practise their right in whatever way was acceptable to them. So, rather than trying to say that Jewish or Muslim beliefs do not count or that there should be an overriding community belief, the committee tried very hard to say that this parliament needs to set up a regime which allows everyone—

Mrs Redmond interjecting:

Mr BRINDAL: Yes—to accommodate all ethnic beliefs and all religious beliefs, as far as is humanly possible. I think that this synagogue misunderstands that. I also believe that the synagogue misunderstands the place of the select committee, but certainly some of the things they raise are valid points. They raise the fact that to a Jew the burial of a non-Jew in the designated area for Jewish burials desecrates the entire area. But that is not a problem for the select committee: that is a problem for the law and for this parliament when it comes to consider the law. I think it can and should be dealt with by the government when it comes to make this law. I for one, and I am sure members of the select committee, would be most keen, when the government brings a law into this place, to ensure that that spirit of the select committee—that spirit which says, 'Let us accommodate everyone according to their belief as much as possible'—is adhered to in the legislation. I am confident the government will seek to do that. I do not think the government wants to upset particular groups, just for the sake of saying, 'We all should be buried in a big mass together.' I do not think the government is on that track at all.

Another issue they raise is the fact that we put a monetary cost on perpetuity. I do not believe that any group can have it both ways. One cannot say, 'We believe in perpetuity. Therefore, it should cost us nothing and anyone else who believes in perpetuity has to pay.' I point out to the synagogue that under the current law there is provision that, if they could find a suitable place and get local government permission, they could in fact establish their own cemetery and deal with it in whichever way they want.

In commending the report to the house, I will quote from the letter from the synagogue. I thought this was a lovely couple of paragraphs and, in the light of previous debates this evening and last night, I will quote them. The letter is talking about special rights for ethnic and minority groups, and states:

> The committee 'upheld the view that there should be no discrimination against or in favour of any religious or ethnic groups'. This statement reveals a complete misunderstanding of the notion of 'discrimination' (which the committee does not deign to discuss). Society discriminates in favour of minorities constantly, generally because it respects the rights of minorities to be minorities. A more sophisticated analysis—indeed, any analysis at all—would have begun, for example, with a definition of discrimination in the Equal Opportunity Act. That act defines discrimination in terms of whether or not the requirement is reasonable in the circumstances of the case. Examples of 'discrimination' in favour of minorities are not uncommon where they are reasonable.

I quote that to put on the record that I do not believe that the synagogue's understanding is correct. I do not believe that we as a committee transgressed those rules, nor that in introducing legislation the government will transgress those rules. I find the quote interesting because members earlier and last night did not understand what is a minority and therefore did not themselves stick to those rules. Therefore, having said that, I commend the report to the house. In the years I have been here it was one of the most interesting select committees on which I have sat. It did some valuable work and, like the member for Colton, the Attorney and this government must realise that this is a problem that I regret we were unable to deal with when in government because of the pressures, as it would have fallen under my portfolio. We never got around to doing it, but it was a problem for our government. It was

a problem in the previous Bannon government and has been a problem for 20 or 30 years.

This government is to be commended for taking the bull by the horns and getting it to the select committee stage. It will be a great tragedy if the government does not go the next step and introduce legislation. It is overdue, it needs to be addressed and the government will never get a better opportunity to do it. If it does not do it now it will end up with another select committee in 10 years, making the same recommendations, and another government in 10 years which does not have the courage to move forward. It needs to be done, we should do it and I commend the select committee report to the house.

Mr SNELLING secured the adjournment of the debate.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

Mr BRINDAL (Unley): The Leader of the Opposition came in here today and made a very pertinent speech that should greatly concern this house. The substance of the leader's speech—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: The Attorney says that he was rebuking me—that is not true at all. What was perturbing the Leader of the Opposition last night and tonight is what is on the *Notice Paper*. The Attorney was not rebuking any member on this side for participating in the debate. The leader was rather disappointed that, when there are now 12 000 fewer women in the work force than there were this time last year, we are concentrating on less important issues and forgetting the major economic issues facing South Australia. It is important that this house is constantly reminded that we are starting to go backwards.

This government, no matter what it says, inherited a vibrant and working economy. Whatever this government says, the last government under premiers Brown and Olsen tried for eight years to get the economy back on its feet. At its height we had employment programs that were putting 1 500 people a year through youth traineeships. That number under this government and this budget has dropped to 400. We were putting through 1 500 trainees a year, attracting new industry and investment and getting on with the job through capital works such as the extension of the runway, the freeways, the tunnels through the hills and the Darwin-Alice Springs railway line, and the economy was doing well.

This government came to power when the economy was doing well, and for six or eight months the government continued to benefit from declining unemployment figures; and we, under this government, saw a situation unique in Australia, I think unique in modern South Australian history, where this state was the best performing state in terms of employment. It was easier to get a job in South Australia than in any other place in the nation. We were not 1 per cent behind, we were in front. It is interesting that, when we came to government, we were the worst performing mainland state in the nation, only Tasmania traditionally did not do as well as us. We were always a percentage point or more behind the nation in unemployment—appalling youth unemployment figures and appalling participation rate figures—but that turned around and at least for six months under this government we continued to enjoy a declining unemployment rate, an increase in full-time work, an increase in the number of South Australians working.

However, in the last seven months that has flat lined and is now going back. Where are we now consistently month after month? We are not like we were less then a year ago leading the nation, consistently outperforming Queensland and Western Australia, often not doing quite as well as Sydney and Melbourne but they are the powerhouses of the Australian economy. We have gone from that position to where we were before; that is, consistently now the worst performing mainland state in this country, consistently now being beaten by every other state in the employment market and consistently now about a percentage point behind the national average again; and when the rest of the nation is growing jobs, when we are growing jobs at all, we are growing them at about half the rate of every other state. It is twice as difficult, if you like, to get a job in South Australia.

Our participation rate is still the worst in the nation, apart from Tasmania. We have a poor participation rate, women losing jobs—and overwhelmingly they are women—and people losing jobs. We are performing worse and worse. I do not necessarily make a criticism of this government for the figures because, as I said consistently when I was minister, 'Employment is a partnership between government, employers, employees and training: it is a vibrant partnership between all of them.' However, what I do criticise loudly and what the leader and every member on this side of the house will criticise is the fact that the government is like an ostrich and sticking its head in the sand. The fact is that the government is not doing anything about this: it is not only ignoring the problem but it is trying to spin the problem and pretend that it does not exist. There is a problem: it is a real problem.

Real people are failing to get jobs in this state and we have the minister for employment coming in here and spinning it and saying, 'You do not understand the figures.' The figures are there for any South Australian to understand, and the figures are figures of tragedy. They are not so much figures of tragedy in Unley, which is well-heeled by comparison to some other South Australian electorates, but they are figures that bite in Reynell, West Croydon, Playford and in electorates that are not even held by Liberal members, but it is the Liberal members who seem to be the only ones who are concerned that a Labor government is deserting its heartland: it is deserting the battlers and the long-term unemployed.

And what is it doing? These smart ministers—I was a minister, I know how to con a caucus, and your ministers can do it a lot better than I—say, 'Oh, you know, isn't this a tragedy, but it is a national trend.' It is not a national trend. We are defying the national trend and doing worse consistently than any national trend. Then they say, 'We are being clever, we are targeting employment programs.' What that generally means is that they pick someone who is almost doomed to failure because of a great cacophony of problems that they have and they put some effort into them, and when they do not get a job they say, 'What do you expect; we tried.'

They are investing the wrong amounts of money in skilling the wrong people and then trying to claim that they did something. It is a recipe for failure. They are taking money from private providers. They are taking money and reallocating it within the TAFE system, and they are featherbedding a system that should not be featherbedded. They are not putting the money into the right places with respect to

training; they are ignoring the needs of our young people, and it is business as usual.

I have a word of advice for members of the current Labor government, and it is this: they think that they are going to be re-elected at the next election because they think that Mike Rann's spin will get them past the post. But I do not think that South Australians are stupid: I think they are shrewd and intelligent people. While Labor might have them conned for the moment, because nothing appears to be wrong, the economic signposts say that the wheels are falling off the train. And you wait. As employment continues to rise and battlers in their own electorates suffer more and more, and the great Premier, with his emphasis on cat and dog meat, on opening pubs for an extra two hours on Good Friday, on beating up the bikies and pulling down the fortresses, on blaming everyone for everything and saying, 'I'm going to fix it,' wait and see if they tolerate it. When people's sons and daughters cannot find a job, when the husband is out of work and they are really battling, when unemployment again climbs towards 10 per cent, wait and see who they blame.

It will not be the Liberal opposition, because people will look back and say, 'When they were in government, at least we had jobs. Now we've got our people, the people we voted for, back in government, what has happened? The state has gone backwards.' Members of the government pretend to be economic managers. Kevin Foley wants a AAA. A AAA rating might be a great thing for Kevin Foley, but what does it do for a mother in Reynell? What does it do for a battler in West Croydon or a student in Playford? It does nothing. A AAA rating is good only in so far as it helps the people of South Australia. This Treasurer chases the AAA rating for his own glory, and the people of South Australia are forgotten. The people of South Australia are capable of voting, they are capable of thinking, they are capable of seeing what the trends are, and the trends are all bad for this government's re-election.

Motion carried.

At 10.08 p.m. the house adjourned until Thursday 19 February at 10.30 a.m.