HOUSE OF ASSEMBLY

Thursday 7 April 2005

The SPEAKER (Hon. R.B Such) took the chair at 10.30 a.m. and read prayers.

SITTINGS AND BUSINESS

The SPEAKER: Before calling on the business of the day, I point out that we are having difficulty with some of the bells, particularly on the ground floor. Unfortunately, the technicians will not be able to correct the fault until tomorrow. So, members need to bear that in mind.

The other thing that I want to say is that I believe that, as a parliament, we should acknowledge the sacrifice of the nine serving members of the defence forces who lost their lives while assisting in Indonesia recently. On behalf of the parliament, I extend to their families and friends our condolences for their tragic loss.

In relation to notices of motion which are standing in my name, some members have indicated that they may wish to take those over. If they do, they will have to give notice. Some motions are now orders of the day and are under way, but I will leave it to either whip to postpone them in accordance with whether other members wish to speak to them or do anything with them. Accordingly, I indicate that I will not be proceeding with the notices of motion in my name, because it is obviously inappropriate now that I am in the chair.

The Hon. I.P. LEWIS: Mr Speaker, on that point, to simply discharge all those matters in consequence of it being incongruous for motions to be moved from the chair—and notwithstanding the fact that it comes to my mind only in the last less than 60 seconds—I am willing to facilitate debate on those motions, if it is possible under standing orders and, more particularly, under your discretionary influence, to take them over on your behalf and put them to the house so that the house can state its views on them. After all, they are in the possession of the house.

The SPEAKER: I thank the member for Hammond for his contribution. A member would have to give notice in the normal way if he or she wished to adopt any of those notices of motion.

The Hon. I.P. LEWIS: But, Mr Speaker, you have surely given notice, and the house has accepted that the notice is in order, according to the rules by which such processes are determined.

The SPEAKER: Only the member who has given notice can introduce them, unless the house suspends standing orders.

Mr VENNING: Does this extend to those motions which are under debate and to which members have spoken?

The SPEAKER: The distinction is between the notices of motion and orders of the day. Some are under way and in the hands of the house. The notices of motion, as the name suggests, is an indication of an intention and can be moved only by the person who gave notice in the normal way.

ELECTRICITY SUPPLY

The Hon. W.A. MATTHEW (Bright): I move:

That this house criticises the government for—

(a) its failure to effectively manage the state's entry into federal Labor's national electricity market and subsequent electricity prices charged to South Australians;
(b) allowing electricity prices to increase by an average 25.2 per cent as at January 2005, increases almost double those that have occurred in Victoria;
(c) its failure to introduce legislation into this parliament which established market rules and which allowed sufficient time for competitive electricity retailers to establish in South Australia upon market deregulation on 1 January 2003;
(d) breaking its undertaking to the people of South Australia to deliver cheaper electricity prices;
(e) placing the Essential Services Commissioner, Lew Owens, and his staff in an untenable position by expecting them to absorb and deflect the criticism levelled for the government's failure to deliver on its promise of cheaper electricity prices;

and calls on the government to deliver on its pre-election promise of cheaper electricity prices for all South Australians.

This motion follows not only three years of Labor mismanagement in government but, importantly, two crucial undertakings which were given by the Labor Party on its entry into government. The Premier was very particular at the last election as opposition leader. He circulated a pledge card which was put into the letterboxes of many South Australians; and the pledge card is something to which we as members of the opposition refer very often.

One of the reasons we do so is that the now Premier asked us to. In fact, his card (which is a business card size and which is two-sided) has on the bottom of one side: 'Keep this card as a check that I keep my pledges', and it is signed 'Mike Rann ALP'. Naturally I did as the now Premier asked and kept his pledge card. The front of the card has a photograph of the now Premier and a heading 'My pledge to you'; and underneath that is written 'Mike Rann, Parliament House, North Terrace, Adelaide 5000'. It has the Labor Party web site address and says, 'Labor: the right priorities for South Australia'. On the flip side—

The Hon. M.J. Atkinson: And the voters agreed.

The Hon. W.A. MATTHEW: The Attorney may reflect on the fact that the majority of voters did not vote for a Labor government. But, that aside, on the flip side of the card, as No. 2 of the six priorities for South Australia, it says:

> We will fix our electricity system and an interconnector to New South Wales will be built to bring in cheaper power.

I have spoken to a number of my constituents about this card, and they tell me that they expected that this promise would mean cheaper electricity—and, by cheaper electricity, they were looking at cheaper electricity than was the case when this card was put into their letterboxes in February 2002. The reality is that, what has occurred since this card was distributed to people in my electorate and others, the price of electricity under Labor has gone up by 25.2 per cent on average for the average South Australian household.

The other reason that people naturally expected the price of electricity would go down was based on a statement made in front of TV cameras by the Treasurer (and Deputy Premier) when he said, on the first day of the state election campaign, 'If you want cheaper electricity, you vote for a Mike Rann Labor government.' That is what he said: 'If you want cheaper electricity, you vote for a Mike Rann Labor government.'

It is interesting to note the moving interpretation that has now been placed on those words by the government and its backbench hacks. What we are finding is that government members are now saying that what they really meant by those comments was not cheaper electricity: it was just cheaper electricity than would otherwise be provided if the Liberal

Party were re-elected. That is certainly not what was meant, and that is certainly not how the statement was interpreted by South Australians. This, in the mind of South Australians, was a cast-iron promise, a cast-iron guarantee: 'If you want cheaper electricity you vote for a Mike Rann Labor government.' That is what they claimed and that is what they said. It would seem to be absolutely obvious now that they had no intention of delivering. We have seen a manifestation of all manner of excuses.

Only yesterday, in yet another pathetic document that has been dropped by this government, it released its excuse for a state infrastructure plan. In that so-called infrastructure plan, this so-called blueprint for our infrastructure future over the next 10 years, it has references to energy—rather pathetic ones, I might add. At page 125, it states:

> The privatisation of South Australia's electricity system has resulted in increased prices charged to business and household consumers.

That is blatantly untrue. That is not the reason that the electricity prices have gone up. It is one of the very reasons that this sort of nonsense has been pedalled and why I move this motion today. The facts are quite simple. On 1 January 2003 South Australia entered the national electricity market—Paul Keating's national electricity market—a market that South Australia had no choice but to enter. Some Labor members have said, 'Well, if you didn't like the potential that was being placed before us through the national electricity market, why did a Liberal cabinet sign the final parts of the agreement in the first place?'

The reason was quite simple. Labor destroyed the state's economy, oversaw the collapse of the State Bank and saw a resultant $9.4 billion debt delivered. Not content with that $9.4 billion debt, it also blew the budget for that financial year. On coming into office we inherited a $360 million budget deficit—but that was not all. What we were also told was that the state's electricity system was badly damaged. As a matter of priority, we needed to build new infrastructure—new electricity generation infrastructure.

Mr Speaker, you know this full well, because you, too, had the privilege of sitting around the same cabinet table as I; and Mr Speaker, as the minister for further education, you heard the same briefing from Treasury officials. You would remember full well that we were advised that, in order to produce enough electricity for our state's needs, we would have to invest more than $1 billion of taxpayers' money to get the extra capacity we needed; and that the outgoing Labor government, already in debt by $9.4 billion, knew that it did not have another $1 billion to invest—so it took the cheap option and built an interconnector into Victoria and brought power from over the border because they had surplus capacity.

The dilemma is that we were umbilically tied to Victoria's electricity supply, a supply that is reducing in its capacity. The reality is that by 2007, without significant new electricity infrastructure being built either here in Victoria (or both), we are facing as a state a chronic electricity problem for the future—make no mistake about it. We were faced with that problem and therefore had no choice but to be part of a national market that we were already tied into by the outgoing incompetent Labor administration. That having been done, it having been decided that we had no choice but to be part of a national market, we had to prepare ourselves for entry from 1 January 2003, as well as do something about the extra capacity. What did the Liberal government do about the extra electricity capacity? We ensured that it was built.

Mrs Geraghty interjecting:

The Hon. W.A. MATTHEW: For the information of the member for Torrens, who continues to undertake the hack work for her lords and masters on the front bench, the simple fact is that in our last three years in government we increased the capacity of the state's electricity system by 37 per cent—established, indisputable fact, there for all to see. Part of it was achieved through the building of the Pelican Point Power Station—a power station opposed by the member for Torrens, opposed by Labor Party members and notably opposed by the member for Hart, now Deputy Premier and Treasurer.

The member for Torrens ought to be very pleased and grateful that we ensured those power stations were built. Had a Liberal government not attracted the private sector investment to build them, her constituents and the rest of South Australia would have been enjoying (and I use that word tongue in cheek) rolling power outages around the state because there would not have been enough electricity to go around. That was a matter of fact.

The other dilemma we had was preparation for the national market. Legislation had to be in place well before 1 January 2003. That legislation had to be in place to meet the requirements of the potential electricity retailers by no later than 30 June 2002—some three to four months after the Labor Party came to government. As the energy minister in the last government for a period of over two years, I had responsibility for electricity for only the last four months, it having been transferred to me by the Treasurer at the conclusion of the privatisation process.

We agreed with those companies that, by 30 June 2002, if a Liberal government were re-elected they would have legislation in place. Origin Energy and TXU, as well as AGL, were the principal companies to whom I gave that commitment. TXU and Origin Energy indicated they wanted to retail in our market from 1 January 2003, but the legislation had to be in place. The legislation was drafted and I rang the now minister within 24 hours of the new government being sworn in and advised him of the agreement we had given to Origin, TXU and AGL and of the imperative of having the legislation in place. At a later stage I communicated to him that the opposition was prepared to have, if necessary, a special sitting of the parliament to facilitate that legislation going through, so from 1 January 2003 we would have competition. What occurred was that that legislation was not introduced into the parliament until August 2002—already two months too late. In my address to the house at the time I said to the minister that on 1 January 2003 there will be only one electricity retailer and that retailer will be AGL. I said that it would force up the price of electricity and that is what occurred.

It occurred for another reason. AGL had learnt a lesson from Victoria. In Victoria they deregulated a year earlier into the national market from the middle of January 2002. In Victoria, AGL asked for an increase in its electricity prices to householders of 15 per cent. That was refused by the Bracks Labor government, which instead agreed to an increase of 4.7 per cent. Well, surprise, surprise, that having occurred in Victoria, AGL tacked on another 10 per cent here, and it applied for an increase of what at first appeared to be an average of 25 per cent. On further assessment by the Essential Services Commission, the commission said that it was more like 23.7 per cent. But AGL got the lot—AGL got its ambit claim—and, to this day, senior management of AGL in Sydney cannot believe that they got away with their ambit claim.

As members of the Labor Party who have been involved with the trade union movement know, if you are going in to a negotiate a deal, you start up high and you compromise somewhere down lower. In their wildest dreams, they never expected to get the lot. They asked for 23.7 per cent, and they got it. That is why electricity prices are higher in South Australia—not because of privatisation, but because this government totally bungled the entrance into the national electricity market, both through the price setting process and through introducing the legislation too late so that Origin and TXU could not retail from 1 January, thereby removing competition.

The government bungled in another way because it failed to attract new infrastructure development into this state for new generation capacity. That is because, rather than working with the private sector to encourage them to invest money, this government abuses companies—their own Premier has called them 'bloodsuckers' or 'bloodsucking leeches', or something similar. That is a disgraceful way in which to deal with any potential investors in our state.

Time expired.

Mr RAU (Enfield): I usually sit here quietly, not really expecting to have to say anything. Then something marvellous happens, such as the member for Bright making another one of his magnificent contributions on the subject of the national electricity market, and I have to say that I always enjoy listening to the member for Bright when he talks on the subject of electricity.

The Hon. I.P. Lewis: It is shocking, isn't it?

Mr RAU: Yes, it is quite shocking. I look forward with mixed feelings to the period beyond the next election when, if I am still here, I know the member for Bright will not be here. I will miss him saying these things in his brazen fashion. I know of no other member of this parliament who is able to say what he says with a straight face, with the conviction he is seemingly able to muster to this issue, when he gets up and repeatedly attempts to make a silk purse from a sow's ear, and he has done it again today. I suppose attack is the best form of defence and, if you have as much to defend as does the member for Bright, you need to be as aggressive as possible on the front foot. It probably explains why we have this resolution before us. What a magnificent thing to hide behind: a brazen outrageous attack on something of which you are, in fact, the author. Who else but the member for Bright could conceive such an audacious plan and put it into place? But he has done it again.

The real problem with all of this is that, when the member for Bright and his friends decided that they were going to sell ETSA, contrary to the promises they made to the people of South Australia immediately prior to the 1997 election, they bumped up the price and sold it to foreign interests, who then—surprise, surprise—had to gouge back from the consumer the interest payments they had to make on the money they spent paying for this asset. It is no surprise to anyone that the price of electricity would go up once that peculiar deal was put in place. The other thing, of course, is that the whole idea of competition in the electricity market is nonsense: it is a triumph of ideology over commonsense.

The delivery of electricity is a natural monopoly. The idea that you can have some competitive market for electricity that does not turn into a great rort for those people who are players in the game is nonsense. It is the same as the idea that the telephone network is somehow going to deliver great results for people in country Australia after Telstra is privatised. What nonsense! What carrier is ever going to invest money in rural and regional Australia, unless they are obliged by public interest obligations? It just will not happen. The same is occurring here in relation to electricity.

My advice to the honourable member would be along the lines of the words of an old song—I thing it is one from the Mississippi Delta somewhere—that goes something like *Fess up when you mess up*. I do not actually know it and will not be able to sing the song for him, but I am sure if the honourable member searches the internet he will be able to find this tune. I think it is from one of those great blues singers from the Mississippi Delta: *Fess Up When You Mess Up*. In fact, I am going to look for that record at one of the record suppliers in Adelaide and I might present it to the member for Bright towards the end of his period here so that he can take it away as a little memento, in 11 months and 11 days. I do him great credit, I think, in saying that there is nobody else who can do what he does, which is to stand up here surrounded by the mess of his own making, point at it with an earnest look on his face and blame everyone else.

That takes a lot of something, and he has it, so I congratulate the member for Bright for that. But let us all be quite serious about this for a moment: the idea that the opposition can say anything critical of the government on the subject of electricity pricing is ludicrous, so I leave members with that old song, *Fess Up When You Mess Up*, and I will obtain a copy of it for the honourable member.

Ms CHAPMAN (Bragg): It is with pleasure that I support the motion to criticise the government in relation to a number of aspects of its gross negligence in dealing with the provision of energy to this state. The consequence is that the people of South Australia universally are adversely affected by this. It is concerning that, notwithstanding the Premier's promises at the 2002 election that he would provide cheaper electricity to South Australians, he has not only failed in that but the very processes by which it is necessary to accommodate any opportunity of that being achieved are ones which he has consistently ignored and on which his ministers have failed to deliver.

There are very serious consequences to substantial rises in energy costs. One is that, if the principal area of energy provision is via electricity, the consumer will need to look at other more affordable forms. In South Australia there are no other cheaper affordable forms for most consumers. Certainly, the environmental elite, as I would describe it, those who are in a financial position to employ or install facilities that can provide alternative energy, are in the minority. These are people who are able to afford the infrastructure to establish their own options. But for the average citizen of South Australia, that is not an option. Those who are in deprived financial circumstances or who are children, for example, who do not have that opportunity of independent income, will suffer.

Energy is a major requisite to a basic standard of living and lifestyle in this state, and it is absolutely critical to the two-thirds of the people who reside in the metropolitan area of Adelaide and who rely on the electricity services now operating in the state. The other direct consequence is to institutions, as to the provision of electricity for the service that they provide. I wish to address today the very critical area of schools in this state. Schools provide education services to nearly 200 000 children in this state, and overwhelmingly in number those services are provided within the precincts of schools. A very large proportion of that group are

in our public schools. How then does the high electricity price and no immediate relief in relation to that—in particular, an average increase of 22.5 per cent as at January 2005—directly impact on schools?

What has happened in the past 10 years, particularly under the previous government, is that there has been a development to enable schools—and their school communities and governing councils—to have some autonomy in operating their funding. In that sense, whilst the salaries of the schools (that is, teachers, support staff and the like) are directly paid from the department, the development of autonomy and the management of schools, initially under the P21 program, enables schools to make decisions on priorities for the provision of services in their schools. So they were given a budget allocation, usually on a formula according to the number of students they had, but supplemented by various provisions according to isolation or special circumstances of the school. Schools budgeting for their energy costs was one of those items. Under the previous government, each year there would be a CPI adjustment for a provision of those services, according to a base cost of electricity service.

Two things have happened since that time. One is that this government has introduced a new provision for autonomy of schools. There will no longer be a distinction between those schools that elect to have some autonomy and independent management and others: they all now fall into the same category. The second thing was the introduction of a formula to be based on electricity costs over a three year rolling average—for example, a formula based on electricity costs for 2001, 2002 and 2003 and then adjusted with an inflation factor of 2.5 per cent for 2004 and 1.2 per cent for 2005 to enable there to be provision for a reasonable budget.

I have raised this issue in the house and the minister has become very personal in her criticism of the opposition, and of me in particular, for raising this issue, asserting that we are incorrect in saying that the consequence to schools has been chronic in terms of loss of funding. In raising this matter the opposition was, and remains, concerned that there has been this huge hike in energy prices in South Australia at the 25.2 per cent average that has been referred to by the honourable member for Bright, and the direct consequence of that is that the rolling average over the three preceding years is no longer a valid way in which to deal with this matter.

Mrs GERAGHTY: I rise on a point of order, Mr Speaker. I have been listening to the member for Bragg and I think she has strayed well away from the debate.

The SPEAKER: The point of order is relevance.

Mrs GERAGHTY: She is now talking about another matter and just using electricity as the connection.

The SPEAKER: Order! Members need not give a second reading speech. They raise a point of order which, in this case, I understand to be relevance. The member for Bragg needs to bear in mind the substance of the motion. There has to be a little degree of latitude but not excessive wandering, gypsy-fashion, in relation to a motion.

Ms CHAPMAN: Thank you, sir. For your benefit I indicate that I am referring to subparagraph (b) of the proposal in particular, and the direct consequence to important institutions—namely the schools in this state—as a result of the failure to address that issue. The examples given were that the Hamilton Secondary College had its funding allocation for energy in 2004 dropped from $137 965 to $97 533 this year. Unley High School received $87 870 for energy from the government last year, falling well short of the $120 235 energy bill it had to pay.

An honourable member interjecting:

Ms CHAPMAN: The prices have skyrocketed, and the funding has gone down.

Ms THOMPSON: Point of order, sir. I also raise the issue of relevance. I also indicated that she is referring to paragraph (e), and that paragraph refers—

Ms Chapman: (b).

Ms THOMPSON: There is still no relevance in my opinion, sir.

The CHAIRMAN: Order! The chair is listening to the debate. I make the general observation—and I am not suggesting that the member for Reynell was doing it—that members should not use points of order merely to disrupt an ongoing debate. It should be a genuine point of order. I am not saying that the member for Reynell's was not doing so. I make that general point, because all members are well aware that sometimes members use points of order as a means of trying to disrupt a debate.

Ms CHAPMAN: The government's response to that was, 'Oh, no, no; the Unley High School and Hamilton Secondary School examples are wrong, because they actually weren't in the program at the time.' The government entirely missed the point on this issue. The important aspect is that, under their watch, electricity prices have gone up 25.2 per cent on average. We have tens of thousands of dollars shortfall, and it is irrelevant as to whether last year a school was locally managed or not, because all schools are now to be managed. This year schools are receiving an amount which does not take into account the escalating energy prices, so this clearly needs to be addressed by the government.

The Hon. W.A. MATTHEW: I make this point of order that you, sir, are new to the chair, and may wish to take this away to consider it, to resolve a longstanding problem.

Members interjecting:

The SPEAKER: Order! I am listening to the point of order.

The Hon. W.A. MATTHEW: The speech given by the member for Bragg is a classic indication. With three minutes of the member's time remaining, there were persistent points of order to soak up time. I can recall on one occasion that speaker Lewis actually extended a member's time when that happened persistently. I ask you, sir, if you might like to consider in the future how the parliament might deal with this problem; it has been there for a long time. I am not saying the previous speaker solved it but, sir, it may be that you can solve it.

The SPEAKER: Order! The member has made his point. I am advised by the Deputy Clerk—who would make a good timekeeper for football—that he did suspend the clock during the points of order. The member for Torrens.

The Hon. W.A. MATTHEW: With respect, sir, that did not occur. I watched the clock as it went from three minutes remaining to one minute remaining on the second point of order, and the member for Bragg had not spoken at all during that two-minute time trial.

The SPEAKER: The Deputy Clerk tells me that he held the second point of order at one minute. Some of these matters need to be dealt with as possible reforms or changes to standing orders.

The Hon. W.A. MATTHEW: For further clarification, sir, if we are to take it that, under your chairmanship, when persistent points of order are made with an apparent view of running down time, the clerk is going to stop the time clock,

I am very satisfied with that. It is only necessary for us to raise it if we see the clock moving.

Members interjecting:

The SPEAKER: Order! The Deputy Clerk has pointed out that he does it when the ruling is taking some time. It is a matter that needs to be clarified, because it is quite obvious that members on both sides use the tactic of points of order, not necessarily to illuminate the debate, but to hinder it. I think it is an issue that could be looked at in the reform of standing orders.

Mrs GERAGHTY secured the adjournment of the debate.

KYOTO PROTOCOL

Mr CAICA (Colton): I move:

That this house calls on the federal government to ratify the Kyoto Protocol which comes into effect on 16 February 2005.

Sir, I will commence by saying that I think this is the first opportunity I have had to congratulate you on your election to the position. I know that you will carry yourself with dignity and expertise.

By way of brief background, the Kyoto agreement planned to cut the six global warming gases known to be the biggest contributing factor, those being the burning of fossil fuels: oil, gas and coal. The agreement was signed in 1997, originally by 84 nations, including Australia and the USA. It was meant to provide each industrialised country with a limit to their specific emissions of these fossil fuels, these greenhouse or global warming gases. The agreement was hailed by the Prime Minister, John Howard, in 1997, as a win for the environment and a win for Australian jobs. Both Australia and the USA have subsequently refused to ratify the protocol, but to date, 136 countries have ratified the protocol.

One of the questions that needs to be asked is: what will happen if the world does not reduce greenhouse emissions? I will not go into a great amount of detail, but we could be put in a position where the consequences of climate change are viewed in the context of its effect on South Australia. Specifically, I believe, we could expect hotter days, greater variations in rainfall, and the unusual patterns that have been experienced this year, which have affected our grain and grape crops and which will become more commonplace. We can expect more fires and floods, less water flowing into the Murray, and habitat changes as a result of climate change that will have a dramatic effect on our animal and plant species. Global warming will not affect South Australia or Australia in isolation. The consequences will be felt around the globe.

The next position that I would like to discuss is: what is the commonwealth government's position? The commonwealth has said that it will meet its target even though it has not ratified the protocol, and it refuses to ratify it as it claims that ratification will drive investments and jobs offshore. I will touch on that point as I proceed, but it seems to me an illogical argument. If we expect to meet the targets anyway, why would we not ratify the protocol, because if we meet the targets, that same arguments exists, it is going to affect jobs and investment. On the contrary, the commonwealth does not have a coherent greenhouse gas policy, and that, in itself, will be the single factor that will most affect future investments, jobs and our nation's access to secure energy generation into the future.

My understanding is that, in the coming decade, billions of dollars will need to be invested in meeting the power needs of Australia. Until the federal government makes its policy clear and consistent, and meets industry and community expectations, industry will not invest the money to meet this power need. It is clear to me, at least, that the failure of the federal government to articulate a greenhouse policy that stacks up has increased the risk that business faces in making a multimillion dollar decision; that is, why will it invest in alternative and future power generation if the future of that specific form of generation is not clear and not secure?

Power companies believe that greenhouse gas emissions will be subject to some form of new regulation in the coming decade. They know it is coming, but they do not know in what form, and this creates a reluctance to invest in alternative—let alone traditional—forms of power generation. That is evidenced by the fact that the only investment decisions that the private sector has made during the past two years are in building new wind farms. While South Australia leads the way in relation to wind farm development, this form of power generation into the future must be supplemented with an increase in the use of other renewable energy sources.

Until the commonwealth government changes its position, it is unlikely that industry will make the necessary investment. Ratifying the Kyoto Protocol will remedy this situation. Until that time, Australia cannot access the trading carbon emissions global market, nor will our businesses get credits for their work in reducing emissions, and we will not be able to market capacity for absorbing emissions through tree planting on the global market created by Kyoto.

Quite frankly, we are missing out on economic and commercial opportunities because investment will go elsewhere. What will not signing Kyoto mean for Australia? What should have been a day of world celebration on 16 February was a national day of shame for Australia. The message Australia is sending to the world is that we are not a team player, that we are not part of the solution but that we are indeed part of the problem. I believe that we have weakened Australia's credibility in future greenhouse negotiations by not being a leader among nations in tackling the biggest problem the world faces.

On the other side of the coin, what is the state government doing? It is working with other states and territories to design a carbon trading scheme for Australia although, without commonwealth participation, it will be significantly more difficult and less effective. At this point, the reality is that the states have to go it alone. South Australia is developing a greenhouse strategy to ensure that we meet our Kyoto target, because we do not believe the position advanced by the Prime Minister—namely, that it will have an adverse effect on investment and jobs. The strategy will be developed in collaboration with business and the community so that it will help us all drive the changes we need to ensure that we as a state are able to adapt to climate change, to reduce greenhouse emissions and to innovate and to take advantage of new opportunities.

The state government has written to other Australian jurisdictions asking for climate change to be discussed at the Council of Australian Governments meetings, and we have heard the Premier talk on numerous occasions about it being the single most important factor for the future—not just for this state but for the planet. Indeed, whilst the states that make up the commonwealth can continue to operate in this manner and ensure that, individually and collectively—albeit without the input of the commonwealth—we are playing a part, we cannot do it in isolation, as it is a problem that confronts the entire planet.

What will it take for South Australia to meet its Kyoto target? In 2002, energy emissions in South Australia were 112 per cent of 1990 levels. Our net emissions were 96 per cent only because of the impact of the Native Vegetation Act 1991 and substantial new forestry plantations. Since then, the Rann government has initiated the Three Million Trees program and has continued to preserve native vegetation and encourage forestry. The government is also developing a strategy to promote the use of plantings as carbon sinks and will introduce amendments to the Forestry Property Act to promote bio sequestrian industry. However, this will not be enough on its own. We must bring energy emissions down if we are to meet the target of 108 per cent average between 2008 and 2012.

The government has already started this by reducing energy use within government, setting targets for renewable energy and improving housing performance and energy efficiency. As a state, we need to be a leader with respect to the expectations of the government from individual property owners. Yesterday in the house, we heard the Public Works Committee report on Forestry SA's new building in the South-East, which will have a five-star energy rating. We are likely to face even more challenging targets, with increasing calls for a 60 per cent cut in emissions by the year 2050—when I expect that very few of us in this chamber will still be around. So, we have the responsibility of ensuring that, as custodians not only of this parliament—

An honourable member interjecting:

Mr CAICA: I apologise; it is most likely that only the honourable member for Light will still be around; however, I do not think he will be in here! We have a responsibility as a state to do this, and we have a responsibility as a collective of states to ensure that we take up the slack that has clearly been left by the lack of leadership at the federal level, but that is not enough. We need the input and commitment of the federal government to give us a more cohesive and holistic approach to the reduction of greenhouse emissions. A robust state greenhouse strategy is essential but, as I have said, we need national leadership as well. We need to ensure that Australia plays an active part on the global stage. We need to send the right messages to Australian business and the wider community about the need for change, and we need to provide leadership. We need to build a vibrant national economy and investment climate within the constraints of reducing global greenhouse emissions. We need to preserve our living standards while reducing our ecological footprint.

At this stage, I think that it would be appropriate to reflect on how and why it is that the federal government has been able to adopt its position. How is it, in the face of a very high percentage of people who believe that Australia needs to cut its greenhouse emissions, that the government has been able to turn around and say, 'Well, we're not going to sign Kyoto.'? Clearly, it is regarded by the majority of Australians as being in the national interest. Why is it not being ratified by the federal government? I have mentioned previously that, in my view, on occasions the Prime Minister has appeared to be the suckling leveret to George Bush, and that is one issue. We might not come in until the US does; and I expect that if the US miraculously transformed its position on Kyoto tomorrow that that might alter the Howard government's position on the ratification of Kyoto.

The very point is that the federal government operates in the here and now. Environmental issues such as Kyoto and other important environmental issues are a long-term problem. Those long-term problems are easily deflected for the here and now. We know that, in the past, that has been done fairly well (in fact, very well) by the Howard government and the Prime Minister—deflect debate on other issues and have people's time occupied with matters relating to refugees, the war in Iraq and other issues. The point I am attempting to make is that environmental issues can be pushed aside, because the government is focusing on those issues that are here and now, not long-term strategies that need to be looked at, adopted and embraced to make sure that we have an ecologically sustainable economy and environment. Kyoto and the environment have been easily deflected.

Another related problem is, of course, the very nature of our democracy, that is, the electoral cycles. This system does not lend itself to long-term decisions. At this time, Howard and the federal government look at what it is that they need to do to be elected and re-elected in the here and now, not what it is that needs to be done over a longer term to address the issues of which I speak. Global warming and climate change, from a political perspective, does not show up on the radar screen. From the Howard government's perspective, clearly, it appears to be inconsequential in the context of re-election and in the context of political electoral cycles.

We hear the argument about how it will affect investment. An interesting statistic about which the house ought be made aware is that, over the previous decade, in England there has been a 30 per cent increase in economic growth, but simultaneously the greenhouse emissions for that country have reduced by 15 per cent. They are not mutually exclusive. You can have economic growth and you can reduce greenhouse emissions. In fact, I would not say that they are not mutually exclusive: I would say that it is absolutely necessary that they work in tandem.

Per head of population, Australia is the greatest polluter in the world. We are the largest spender on fossil fuels in the world. We should be leading the way; we ought to be leading the way; we must be leading the way. This motion talks specifically about calling on the Howard government to do the right thing by Australia, to do the right thing by the world and to do the right thing by the sphere in which it purports to be the leader (the Asia-Pacific region) and ratify the Kyoto Protocol.

Dr McFETRIDGE (Morphett): The most important thing about this whole argument of ratifying Kyoto and recognising climate change and looking at the big picture of where the world is going is to look at the principles that are behind the arguments. The main one is the precautionary principle, and I have said that before in this place. It is a well known principle used by the Green groups out there and those that are pushing a particular issue that they know is not sound and scientific. The precautionary principle is full of statements such as 'could', 'might' and 'may'. If one uses the precautionary principle against itself, it destroys itself. That is the issue with respect to this whole argument on Kyoto and climate change. It used to be global warming but now it is climate change, because they have realised that it is not as simple as they were first putting out.

Let us look at the wonderful piece of work that was put together by the CSIRO for the South Australian government. It is entitled 'Climate change in South Australia' and it is dated March 2003. Under the heading 'Important disclaimer' on page 2, it states:

> This report relates to climate change scenarios based on computer modelling. Models involve simplifications of the real physical processes that are not fully understood. Accordingly, no responsibili-

ty will be accepted by CSIRO or the South Australian Government for the accuracy of projections in this report or actions on reliance of this report.

It basically says that this is not worth the paper it is written on. When one starts to look at the statements that are made in the document, one will see that they are full of precautionary principle jargon—'could', 'might' and 'may'. The variability is just huge.

In October 2004, an interesting article appeared in *Quadrant* magazine, and it was entitled 'The politicised science of climate change'. I remember reading back in 1975 that we were going into a new ice age. But that has all changed now. The Green groups (and I will be reading from another article that calls them the Green Gestapo) now use junk science, dodgy arguments and the precautionary principle to try to justify what is nothing more than a political exercise. The International Government Panel on Climate Change has been around for a long time, and a lot of eminent scientists are members of that panel.

There are one or two scientists in this place (and the member for Taylor is one of them; she is a very intelligent lady and is well educated in physics and the sciences), and I ask them to look at the science behind the whole area of climate change. However, we should also be looking at the politics and the politicised science of climate change. The analyses that are undertaken with the data through the many computer models look wonderful. The *Quadrant* article states:

> It needs to be understood that any reasonable simulation even of present climate requires computer models to be tuned.

The article also states:

> . . . the World Meteorological Organisation designed to establish how far ahead one might be able to make detailed predictions of the weather. (The answer to that particular question turned out to be about 10 days).

Yet we are expected to look back over millions of years and then say that we are looking at an irreversible climate change, not a fluctuation—and there may be some changes; there may be fluctuations. I am not discounting the natural cycles that this world goes through. But, when you rely on computer modelling, where there are tuneable parameters within those computer models, what do you get? It is like setting up a committee: one never sets up a committee unless one knows what the outcome of that committee will be. That is what we are getting with these tuneable parameters. The scientifically inclined reader might try some time asking a climate researcher just how many such parameters there are in his or her latest models (I am referring to the scientists using computer modelling to predict climate change). That is where we are going with climate change. It is really dodgy science.

Let us look at the Kyoto agreement. I refer to an article from the *Climate Change Backgrounder* from February this year. It is headed, 'Kyoto: outdated before it is even entered' and it states:

> . . . last December at the 2004 meeting. . . in Buenos Aires, the United States, China, India and the developing countries decided that the Protocol was not to be the basis for long-term strategies to address climate change. . . If Australia wants to have a practical impact on global strategies on climate change. . . it needs to work with APEC countries, not the EU.

I also refer to another article dated January 2005 by Alan Oxley, Chair of the Australian APEC Study Centre at Monash University, following the tenth conference of parties to the UN Framework Convention on Climate Change. The article states that there has been a paradigm shift in the thinking on Kyoto. The article goes on to state:

> Although the Kyoto Protocol to contain greenhouse gases is shortly to come into effect, parties to the UN Framework Convention on Climate Change nullified Kyoto as the basis for a long-term global strategy at their meeting in Buenos Aires in December.
>
> This reflects a paradigm shift in international thinking about long-term strategies on global warming. The shift is away from regulated reductions of emissions (and emissions trading), as proposed in Kyoto, to collaboration on development and adoption of technologies to reduce emissions of carbon dioxide.
>
> There will now not be any important international pressure on Australia to take new action to reduce emissions of carbon dioxide or to introduce emissions trading, although the rising clamour from the Green movement evidently is designed to leave the impression that there is such pressure.
>
> Green groups still call for Australia to ratify Kyoto, still propose introduction of emissions trading and have started to propose even tougher targets to cut emissions than those which stalled the Kyoto protocol. At the same time, new doubts are being raised about key scientific claims about global warming which were used to justify the Kyoto protocol.
>
> In Buenos Aires, the United States, China, India and the developing countries decided that the protocol was not the basis for long-term strategies to address climate change. . . Divisions are also emerging among EU member states. At Buenos Aires, Italy openly sided with the US and China. . . Pressure is also mounting inside other EU members as officials in economic and energy ministries start to grapple with the economic impacts of the cuts in emissions and introduction of emissions trading to which the European Union is committed.

Listen to this, though. This is what the South Australian government wants to do: it wants to bring this in and have the Australian government sign Kyoto. Listen to what they are saying in the EU:

> The Environment Directorate of the European Commission claimed the cost of Kyoto to member states would be only 0.5 per cent of GDP. However, recent economic modelling costs the impact of Kyoto for individual EU members at between 1.5 and 4.5 per cent of GDP.

And I warn members that that is not an increase in GDP. The article continues:

> Calls for Australia to join Kyoto and adopt emissions trading are now outdated. . . There is no point in Australia's allying with the EU alone to support a global warming strategy that cannot work and which reduces global competitiveness. Joining the US and other countries in strategies to foster new technologies and lower emissions is the only effective strategy available to Australia.

John Howard, the Prime Minister of Australia, is a very astute politician but, in this case, he is not only being a politician but he is also being a strategist for the way the Australian economy should be conducted.

In *The Spectator* (and I will not have time to read all of this, unfortunately), is another article about the way the green groups target their political arguments—and this is all about politicisation of the green articles, the precautionary principle. This article calls them the Green Gestapo, or the ecofascists. It is very interesting reading and I am more than happy to make it available to anyone in the house. It talks about how, at the world summit on sustainable development in Johannesburg a couple of years ago, the lobbying of the green groups was outrageous. They would rather have some of the developing countries living by the light of candles than having the benefit of modern technology.

I know that we have the argument now in South Australia where the state Labor Party is arguing against the federal Labor Party over its three mines uranium policy. Well, mark my words that within 10 years there will be serious discussion about building a nuclear power station in South Australia. Why? Because it is the most greenhouse-friendly form

of power production there is in the world. The political arguments that have been put up in this place about nuclear power and nuclear energy are absolutely outrageous. We will have the largest uranium mine in the world and we will have a responsibility to store the waste that is produced from the uranium. We should be making use of that uranium to produce nuclear power in South Australia.

Ms CICCARELLO (Norwood): I commend the member for Colton for his motion calling on the federal government to ratify the Kyoto Protocol and become part of the international solution to climate change. As we know, climate change is the greatest threat to the health of our planet. It is real and it is happening now. We know that human activity such as the burning of fossil fuels, the broad scale clearance of vegetation and the huge increase in the world's population is pumping more and more greenhouse gases into the atmosphere.

The world certainly is heating up, with global temperatures having risen by 0.6 degrees over the past century, and the 10 hottest years on record have been in the past 14 years. Glaciers that have been stable since the ice age 12 000 years ago are now melting. Scientists' predictions are that the continuing increase in average temperatures will lead to rising sea levels, shifting rainfall patterns and a greater incidence of extreme weather conditions.

In South Australia, we will see more very hot days per year, less rainfall and unusual rainfall patterns, more fires and floods, less water flowing in the Murray and the loss of at least half of our species as their habitat changes as a result of climate change. In fact, we are seeing very unusual climate patterns this year. Here we are in April and we are still experiencing very high temperatures. The science is overwhelming and community demand for action is hotting up; that is why 136 countries have ratified the Kyoto Protocol, and that is why Australia should ratify it.

This protocol is not radical or risky: it has been debated and developed for more than two decades. Negotiations began in 1990. Basic principles were agreed at Rio de Janeiro in 1992 and, finally, the protocol came into force on 16 February 2005. The Kyoto Protocol is an agreement to cut six global warming gases including carbon dioxide. The protocol gives each industrialised country a limit for emissions. Kyoto is essentially a carrot and stick approach; the stick is reaching targets and the carrot is gaining access to the global carbon trading market. The South Australian economy, companies, jobs and investments will be disadvantaged if we are excluded from carbon markets and the developing renewable energy technology markets. It is in the interests of our environment, our health and our economy for Australia to immediately ratify Kyoto. The South Australian government will aim to meet Kyoto targets with or without Canberra. We are taking action to reduce energy use within government, setting targets for renewable energy and improving housing performance in energy efficiency.

As a member of the Public Works Committee, I have been involved in looking into the construction of sustainable buildings in order to see what we can do to improve this energy efficiency. This government is also developing a greenhouse strategy which is being developed in collaboration with the business sector and the community to help us drive the changes we need to make sure that South Australia meets the Kyoto targets. Everyone needs to come on board and work to fight climate change.

To get serious about climate change Australia needs local action as well as national leadership. We can all start by making a difference in our own lives in our own homes. It can be through small steps which include taking public transport, walking or riding a bike. Energy efficient housing is something that we can do quite easily, including shading, insulation, solar water heaters, energy efficient lighting, triple A shower heads and energy efficient appliances, which is to encourage people to buy appliances which have a five-star rating.

Recycling has been taken up, but we need to do a lot more—for example, buying goods with less packaging and, obviously, using less water. It is good to see that people have also started to take this on board and our consumption of water is diminishing. That is very important because we are at the end of the River Murray and we have seen the tragic state of our waterway; people need to take this issue seriously because I do not think it is has sunk into some people's minds that, if we are not careful, we will not have potable drinking water and we will not be able to have water from the Murray for our needs.

From a personal perspective, I am careful not to waste electricity and only use appliances like air conditioners when needed, and I can say that I think I have—

Mrs Redmond interjecting:

Ms CICCARELLO: Well, I do have one and I think I turned it on once when I had friends from Sydney staying who could not cope with our weather. I recycle waste, and I cannot remember the last time I used a plastic bag. I even wash my own clothes by hand, but this is a personal choice and I would not expect all families to adopt it. I think it is fairly widely known that I have a washboard and I recycle the water I use. My contribution is only small but if we all take responsibility today for our greenhouse emissions, and if the federal government ratifies Kyoto, we can make a difference. We could make a difference which benefits future generations.

Mrs Redmond interjecting:

Ms CICCARELLO: I said the water that I use. The member for Heysen, I think, is just being a bit spurious with her comments. I am looking into having all my plumbing changed, but I do already have a dual-flush system, as everyone should. I am concerned that the member for Heysen is treating this issue so lightly, because I would have thought that she, particularly for someone who lives in the Hills and has seen what is the environmental damage which is occurring in those areas. Members on the other side should be pushing the federal government to ratify Kyoto so that we can ensure the future of our young generations. We have young people in the gallery at the moment, and I am sure that they know about Kyoto and recognise the importance of our environment.

So, with that, I commend the motion to the house. I think we have already heard that the state government is also going to be promoting cleaner and greener biodiesel buses and trains and encouraging people to do as much as possible within their power to ensure that we look after the environment. A lot of people say to me, 'What's the point?' Some people make fun of the fact that I ride a bicycle and I use a washboard, and they say, 'What difference will you make?' I turn around and say to people, 'If we were all to adopt that attitude, then we wouldn't bother doing anything for the future.' We all have a responsibility and every little bit that each of us does contributes to making a better world for future generations. We should not be selfish about our

attitudes because, at the moment, it is not so much about us. We might be fine. Most of us will not be here in 30 or 40 years' time, but those young people who are in the gallery—

Members interjecting:

Ms CICCARELLO: I should have said some of us might not be here in 30 or 40 years' time, but those young people in the gallery will be, and this is about their children and their grandchildren. We do have a responsibility. The earth is not ours, and we are but the custodians for future generations. So I commend the motion to the house, and I commend the member for Colton for his initiative in bringing it forward.

Mrs REDMOND (Heysen): Thank you, Mr Speaker. May I, too, congratulate you on your elevation to your new role in the parliament. Before commenting on the specific terms of this motion, could I say to the member for Norwood that my comment about her recycling all her water was not meant to imply in any way that I was not satisfied that she did her very best to recycle water, but the fact is that the way our current regulations operate in this state seems, to me, a nonsense. When we live in the driest state in the driest continent, to think that we put drinking water into toilet systems, and use that and flush it away, is just a nonsense. It seems to me that I would not be alone in this place in thinking that it is about time we changed the regulations so that the member for Norwood could do what she said she wants to do, and that is to get her house replumbed so that she could recycle grey water from other uses in the house into the toilet, and flush that away, instead of drinking water. It just seems to me to errant nonsense that we waste water the way we do in this state, and simply having dual-flush systems is not the appropriate answer.

As to the actual terms of the motion, and I notice that the motion refers to the protocol coming into effect on 16 February 2005. I want to refer briefly to the same item that the member for Morphett referred to, namely, the Climate Change Backgrounder, which is published by individuals and organisations who endorse sound science and free markets. It is to be found on the worldwide web under a single term worldgrowth.org, and there is also another reference to climatechangeissues.com, to which I would refer members' attention, because essentially what it points out is that, in December 2004, two months before the Kyoto Protocol was due to be ratified, the international community rejected it as the basis for a long-term global strategy to manage climate change.

Basically, a number of countries including the United States and China—so there is a fair whack of the population of the world there—India, and other developing countries, decided that it was not the basis to address long-term climate change, and their decision in Buenos Aires represented a paradigm shift in the way they are looking at climate change. Kyoto, basically, was talking about regulated reductions in emissions, and then emissions trading.

I always understood from the young adults who now live in my household that the key reason that we were not even able to come near the Kyoto Protocol in terms of our emissions was because most of the countries who supported it, particularly the European countries—of course, the EU is now its single significant supporter—use nuclear power. It is that which has allowed them to reduce their CFC emissions so dramatically compared with what Australia has been able to do. We do not use nuclear power. At some time in the future we may consider using nuclear power, but unless we change the nature of the power sources that we are using we will have trouble. It puzzles me that, having said that we have to reduce our CFC emissions, if we are not going to use nuclear power, presumably we will go to solar and wind energy, but then we have the Greens complaining about wind energy and the windmills, which I think are rather elegant, but they do not want these blobs on the landscape.

I do not know whether members saw the *Four Corners* program about two weeks ago, which dealt with the issue of global dimming. I had not heard of global dimming until I saw that program. Personally, I am a bit puzzled by the fact that we have this allegation of global warming. Most of the time I do not feel that summer is as hot as it used to be—and I am sure that is not because my bones are just getting older. A number of scientists have done studies on this including, in particular, a chap who did a study some years ago in Israel. He provided the scientific background for how it was that Israel managed to create its whole water supply system, and all that sort of stuff, and operate a whole lot of their farming practices. He went back and did studies in the same areas as he had previously and, surprise, surprise, he discovered that less sunlight was getting through. So, instead of global warming, what we had was global dimming, and that was because of the particles in the air.

This *Four Corners* program started out with a very interesting piece about the events following the 9/11 disaster. Of course, the terrorist attack took place on 9/11, but for a few days after that aircraft over the states were in lockdown. Because they were in lockdown and there was no air travel, there were no vapour trails in the sky. A chap in the US had been looking for some time at whether those vapour trails were having any effect on the air and a range of other issues. Sure enough, they found quite dramatic changes in air quality and all sorts of things as a result of the aircraft being in lockdown after 9/11. The upshot of this program was that we now have this thing called global dimming rather than just global warming. That is not to say that global warming will not take place, but as I understand it the assertion of this program ultimately was that, because we have all these particles in the air—all right we are messing up the atmosphere and we all recognise that something has to be done about it—that is stopping as much sunlight coming through our atmosphere and reaching the surface of the earth.

Now that we are trying to address this issue of global warming and reducing CFCs, it is anticipated that we could have a much more dramatic impact much more immediately. So, we could go from having global dimming to a situation where, rather than having a very gradual impact of global warming (which is referred to in this document to which the member for Morphett referred entitled 'Climate change in South Australia' produced by the CSIRO in March 2003), we could have a very dramatic change. Rather than this happening over the next 100 or more years, we could find that, within 50 years, we see very significant changes in our climate as a result of, first, creating the problem and then, secondly, addressing it. It seems to me that there is a need for us to try to get some proper science. I note that in that same document, the 2003 CSIRO assessment, in relation to its own discussion at page 49 under the heading 'Dealing with uncertainty' it states:

> Risk assessment utilises a formalised set of techniques for managing uncertainty. Uncertainty under climate change is significant and requires the use of specialised methods such as the development and use of climate scenarios.

In my view, there is no way of really predicting what will happen. I am certainly not completely persuaded about the

arguments that there is global warming. I accept that there is a global impact as a result of our activities as human beings and that we do need to look at how we address it, but it seems to me that we are going way too far at this stage to suggest that we should enter into the Kyoto protocol.

As I indicated, people who look at it from a scientific rather than an emotive basis talk about the fact that Green groups in Australia still call for Australia to ratify the Kyoto protocol and still propose the introduction of emissions trading, but that is not the direction in which the world bodies want to head. They figure that it is pointless to try to do that because you still have the same amount of emissions, you are just trading them around the world; and what they should be doing is looking at the science, gathering appropriate information and coming up with other methods and moving in a different direction altogether from what the Kyoto protocol envisages and promotes.

To end on a more personal note, as did the member for Norwood, I agree that these issues are important. We do need to discuss them, but there is no point in our discussing them from a basis other than that of proper science, and we need to start at the nuts and bolts level in on our own state. We know, for instance, that the amount of water which falls on Adelaide is equivalent to the amount of water that Adelaide uses. I cannot understand why we are not taking more active steps to figure out how we capture and store that water for use, rather than taking any water at all from the Murray. It seems to me to make no sense at all to be taking water out of the Murray for Adelaide in particular, if we know that the amount of water which falls on us is sufficient.

Time expired.

Mr WILLIAMS (MacKillop): I, too, congratulate you, sir, on your elevation to high office.

Mr Caica: Did you vote for him?

Mr WILLIAMS: As a matter of fact I didn't. I did not vote for the one whom you threw out, either. This is a very interesting motion and it is one which will dog the world community for a long time. It will do that because it is based on hysteria, hype, nonsense and not science. I had the good fortune a few weeks ago to attend the ABARE conference in Canberra. One of the reasons I was anxious to attend that conference was that it had a few speakers on the subject of climate change and global warming, and I particularly wanted to attend those sessions, which I did, and I found them quite interesting. However, I have to take the member who moved this motion to task. He says that the commonwealth government should be signing the Kyoto protocol and that the commonwealth government has no greenhouse initiatives, no plans and is not addressing—

Mr Caica: 'Strategy,' I said.

Mr WILLIAMS: And no strategy to address global warming. I suggest that, if the honourable member visits the Australian Greenhouse office web site, he will realise the error of his ways. He will very soon understand that what he said this morning is nonsense. The federal government is doing a huge amount of work, but, unlike the honourable member who moved this motion, the work which the federal government is doing is scientifically based. Like many people, at this stage I am still sceptical about global warming, but there is no doubt that our climate is changing. I do not think it is changing in the way in which many people suggest it is. We in Australia have certainly recognised that we have a drying trend in the south-west corner of Western Australia, and probably the rest of Australia, if anything, has become slightly wetter. That has changed since we have been measuring climate in this nation—which is only a short time.

Mr Caica interjecting:

Mr WILLIAMS: The member interjects that this is happening differently from what I describe in a small geographical area. I would contend it is impossible to go to the micro level in a geographic sense and say that we are not experiencing climate change. That is just not possible, and that is why I am saying that we should be basing this discussion and debate on good science, not nonsense. I do not expect a government that spent so much of its resources and the resources of the taxpayers of this state fighting a nonsense debate about a low level short-term radioactive waste repository in the north of this state to understand the science behind global warming and what we might or might not be able to do about it.

The honourable member when moving the motion said that the current government is promoting the growing of trees, and he talked about a plan to plant 2 million trees. The honourable member wants to get some understanding of exactly what impact 2 million trees has, and compare that with the impact that has been caused by his government's actions in forcing people, who would want to plant trees in South Australia on a large scale, out of this state and into Victoria. I have been arguing about this issue in this place for a long time. The honourable member's government is overseeing a degradation of the number of trees and woody plants in this state, and if he looked at the facts he would be aware of that.

I was at the site where the biggest wind farm in Australia will be producing to capacity in about 12 months. The Premier last Friday opened a smaller wind farm on an adjacent site. It was at that time that the Premier announced his political stunt of saying that all the state premiers have got together and will issue a communique, and they will do something about global warming and climate change because the federal government has not. This is nothing more than a political stunt, and it is not based on good science. The members of this government do not even realise that the Australian Greenhouse Office is in existence, yet the Premier is suggesting that this state will change the world.

The first thing we have to recognise is the law of diminishing returns. One of the former speakers correctly identified that, per head of population, Australia is not a big energy user. There is no doubt about that. We already put a lot of money into green energy and energy saving devices, but the law of diminishing returns suggests we have got to the point where we are not getting much bang for our buck. If we are serious, if we are convinced that global warming is a problem and that it is caused by emissions of greenhouse gases—if we accept that—let us look at it holistically, on a global scale, and say, 'What can we do or best achieve with the dollars we will put into it, not as a small community here in Adelaide trying to win a political point, but as a global community?.'

We would have to look no further than what is happening in China at present. It is building electricity generating capacity at a rate which we could not comprehend in this country. Notwithstanding that the Chinese have embraced nuclear power and are building some nuclear power stations, most of the generating capacity being built in that country is using old black coal-fired power generation technology. They are using old technology and they are not and will not use the technologies that we use, such as scrubbers in the chimney stacks of those power stations. We know—and this is why I am talking about the law of diminishing returns—because we

use them, that it costs about 14 per cent of the power we generate.

We impose upon ourselves a cost of 14 per cent to make sure the air coming out of the chimney stacks is relatively clean. That is not happening in China because literally they cannot afford it. It is not happening in India or anywhere in the developing world because they literally cannot afford it. Lo and behold, none of those developing countries are signatories to or are obliged under the Kyoto protocol and they will continue on their merry way. The only people in the world who have embraced the Kyoto protocol, by and large, are the Europeans. I would hardly say that the Europeans are a shining example to the rest of the world. The Europeans have to get serious about what is happening, go to China, India, Africa and other developing countries and see the billions of people in these countries, who are demanding to lead a lifestyle not dissimilar to what we enjoy—and we cannot stop the people in China, India and Africa because they have access to television and can see the way we live. They will be consuming many times more energy in future than they are now.

If we as a global community want to do anything about the amount of greenhouse gases expelled into the earth's atmosphere, we need to spend the dollars we are going to put into these measures in those countries. I go back to the law of diminishing returns: you will get a much bigger bang for your buck building a nuclear power station in China than you will building a wind farm here in Australia. The impact you will have on the greenhouse gas emissions would probably be at least four fold, if not much more, by spending your money on that sort of technology in those areas where huge demands on energy over the next 20 years will occur. There is no way around that.

I discussed this very point with some of the people I referred to in Canberra when I went to the ABARE conference and they agreed with me. The problem in Australia and Europe is politics. We will sit here and argue not on a scientific basis or on what will give us a real solution to our problems, but argue politically. We will try to derive a few votes and appeal to the lowest common denominator, which is why we find ourselves in the situation that we do. I do not support the motion.

The Hon. K.A. MAYWALD secured the adjournment of the debate.

INTERNATIONAL WOMEN'S DAY

Ms CHAPMAN (Bragg): I move:

That this house recognises International Women's Day 2005, with the acknowledgment of Wendy Abraham QC in her service to this state as Deputy Director of Public Prosecutions.

This motion celebrates the annual recognition of International Women's Day and the many events across South Australia in which people participate in recognition of this important occasion. It is regrettable that over the last three years the government of the day has shown scant regard, not for the celebration of the day, but for the recognition of the achievements of women in this state. Briefly, in my view it was an unfortunate dereliction of duty by the Premier when, after attaining office in this state, he took some 12 months to even announce appointments to the Premier's Women of Council.

That not being sufficient, when women in high office in this state have spoken out and expressed a view contrary to that of the government, the Premier and his ministers have been scathing. Examples of such instances over the past three years include: when Frances Nelson QC, has presented recommendations to the government about which the government has taken a different view, it has not been sufficient for the government to dismiss those recommendations but it has gone on the attack; and, more recently, we have seen very public criticism in relation to Kate Lennon, who held high office in the Public Service. I suggest to the house that it would have been more beneficial if the Premier had taken in hand his ministers for their scandalous dereliction of duty—for being asleep at the wheel in that they did not address the issue of management and application of funds in their respective departments.

Nevertheless, this year I wish to acknowledge one outstanding woman, Wendy Abraham QC. I am saddened that the government did not take up the opportunity to appoint her as the Director of Public Prosecutions in this state. I think Ms Abraham's history (which I will outline) will bring some awareness to the house of the importance of the opportunity lost to this state which they deliberately overlooked in their pursuit of the Elliott Ness they were looking for. I congratulate Ms Abraham on her appointment to the commonwealth Department of Public Prosecutions, which she accepted last week. She will be a prosecutor in the department's Sydney office, where she will undertake high-level trials in the Court of Criminal Appeal and the High Court. It is certainly New South Wales' gain and South Australia's loss.

Ms Abraham was born in Adelaide in 1960. She was educated at Loreto College and graduated from the University of Adelaide with a Bachelor of Laws, with Honours, in 1981. She was admitted as a barrister and solicitor of the Supreme Court of South Australia and the High Court of Australia in 1982, and the following year she joined the Crown Prosecutor's Office. For the benefit of house, the Crown Prosecutor's Office was the forerunner of the Office of the Director of Public Prosecutions.

Ms Abraham was one of the youngest practitioners in South Australia to be appointed as a Queen's Counsel, 'taking silk' in 1998 at the age of just 38, and only 16 years after being admitted to the Bar. I was fortunate to be a member of the profession at that time, and that appointment was widely acclaimed in the profession.

Ms Abraham has successfully prosecuted some of South Australia's most complex and difficult murder and other criminal trials. The complexity of these trials often stems from the seriousness of the charge, the manner of proof, issues relating to the admissibility of evidence, and the nature of directions to the jury. Most of these are victim-based offences, such as murder, rape, child sexual abuse, causing death by dangerous driving and armed robbery. Just a sample of the cases in which she has been successfully involved are as follows. First, R v Bunting and Wagner, commonly known as the Snowtown murders case, from 2002 to 2003. In that case the accused were charged with committing 12 murders between 1992 and 1999. The bodies of eight victims were found stored in barrels in a disused bank in Snowtown. Two further bodies were found in the backyard of the accused Bunting's home. Prior to trial, two further murders were linked to the series. The trial involved complex issues of fact and law. The trial began in March 2002, with legal argument (which lasted 4½ months) based on the admissibility of evidence. The jury was empanelled in October 2002, concluding with jury verdicts in August 2003. The trial involved leading evidence from over 230 witnesses and the tendering of more than 1 000 exhibits.

This case was conducted using an electronic court system, the use of jury books and, in one instance, evidence was given with the assistance of a Powerpoint presentation. It is the first trial of this state to use such facilities. In the case of R v Karger, 2000-01, Karger was charged with the murder of Kerryn Ostendorf, whose body was found in her home at Hectorville. Her clothes had been cut off, there were indications of sexual assault, and she had been strangled to death. The issue at trial was identity. Proof was based on circumstantial evidence. One piece of evidence related to two spots of blood found on the inside of the victim's blouse, which the Crown argued was left by the murderer.

The sample was a test of the use of DNA analysis. There was lengthy pretrial argument as to the admissibility of this evidence, based on a number of challenges, including the system used in South Australia for DNA testing. The voir dire hearing—

Ms CICCARELLO: On a point of order, I question the issue of relevance of this. We were talking about International Women's Day and Wendy Abraham, not cases in forensic detail.

The ACTING SPEAKER (Ms Thompson): I uphold the point of order. The motion does relate to Wendy Abraham as an illustration of the contribution of women, and I ask the member for Bragg to return to that point.

Ms CHAPMAN: I will continue to raise the importance of the cases that Wendy Abraham prosecuted and of which—

Ms Rankine: You've just been ruled out of order!

Ms CHAPMAN: I therefore will indicate, in relation to these cases that she prosecuted, the aspects that are now leading parts of the South Australian legal procedure.

Ms Rankine: Are you defying the chair's ruling?

The ACTING SPEAKER: I ask the member for Bragg to recognise that she is talking about the service of Ms Abraham but that the principle of the motion relates to recognising International Women's Day with the acknowledgment of Wendy Abraham. I ask the honourable member to focus on that.

Ms CHAPMAN: Thank you, Madam Acting Speaker: I am happy to do that. We are recognising Ms Abraham today as a female, just in case anyone had missed that point: she is 100 per cent female. This state is now a leading authority in Australia in relation to the work that Ms Abraham has been involved in. The decision in the case of R v Karger, which she prosecuted but which I will not detail since it seems of some concern to the other side, is currently the leading Australian authority on the admissibility of such and is cited in Australia and overseas. That is an important benefit to the people of South Australia for the future prosecution of these matters.

In relation to the case of R v W.B. in 1999, a case that involved the murder of an elderly woman, the accused had been diagnosed before the offence with a mental illness, and was found to be mentally incompetent and guilty of manslaughter. The trial, which Ms Abraham prosecuted, involved leading psychiatric evidence and the cross-examination of such evidence called by the defence. Importantly, in the case of R v Agostinelli and Lewis in 1996, which included the charge of the murder of Agostinelli's husband, the issue was one of identity. It was very important that during the trial each accused pleaded guilty to the offence. That was also a very important case in its time.

Proof by circumstantial evidence was an important aspect on the question of identity in the case of R v Murphy in 1995. In the case of R v Kontinnen in 1993, in which the accused had been charged with the murder of her partner, Ms Abraham had previously argued in the Court of Criminal Appeal in R v Runjanc and Kontinnen in 1991, which dealt with the issue of admissibility of expert evidence of Battered Women's Syndrome and its application to the defence of duress, again an important decision in relation to not only the law in this state but the protection of women in this state.

In the case of R v Wiffen and Dowell, the accused was charged with the murder of Dowell's husband. He was unceremoniously found in a drum in Blanchetown, but again the question of identity and joint enterprise was very important. Bushfires were the basis of serious charges in relation to the case of R v Spargo in 1991. Evidence was led of more than 30 fires, and the arguments in that case related to the admissibility of one fire in the proof of another, an important aspect in relation to the arson history of prosecutions in this state. Ms Abraham has also excelled in appellant work on behalf of the people of South Australia. She routinely appears as counsel in some of the most complex appeals, and since 1995 has appeared in the High Court on more than 30 matters—on but a few occasions, leave to appeal has been granted. Ms Abraham has also appeared as counsel in three appeals before the Full Court of the High Court.

It is interesting to note that, even when she puts her name forward to continue her service to South Australia, she is in the High Court arguing in the appeal in the most recent case of R v Collie in 2005. As the house may recall, that related to an execution-style double murder at Parafield Gardens, and I understand the decision is still pending. Such is her commitment to her work that she would keep working in those circumstances, particularly during the 12 months she was the Acting DPP. The case of R v IK in 2004 was an appeal involving the issue of whether, when there are allegations of sexual conduct, the uncharged sexual acts require proof beyond reasonable doubt. This decision has significant ramifications on the prosecution of child sexual offences.

There are many others: the case of R v Liddy, for example, which is well known, and a number of cases involved in that matter. In that case, a magistrate had been charged and convicted of numerous sexual offences against young boys. As Acting Director in 1999 Ms Abraham authorised the joinder of charges on this matter. The issue on appeal involved the appropriateness of the joinder of charges, issues of the admissibility of evidence of one victim in relation to proof of other offences against other victims, admissibility of evidence and directions to the jury. Special leave to the High Court was refused in September 2002. A separate appeal was issued against the accused's sentence and that appeal was dismissed.

Again, in the case of the Police v Fontaine in 1999 there are widespread ramifications in relation to the obtaining of and dealing with samples of blood for alcohol analysis for use in prosecutions. These are outstanding contributions in appeal work for and on behalf of the people of South Australia. As if that is not enough, much of her work can certainly be described as gruesome and gruelling at times but she applied herself to the work involving victim-based offences and she is recognised for her commitment to victims in the judicial process along with her ability to explain a law and make it accessible. She developed the widely acclaimed 'jury book' which is used to clearly explain to jurors complex scientific information about DNA technology.

Her skills as a prosecutor and her leadership in this field have been recognised nationally and internationally. Just here in Australia she was a key participant in the joint Australian Institute of Judicial Administration Standing Committee of Attorneys-General Conference on criminal trial reform, a report for which was prepared by Brian Martin QC. Ms Abraham presented a paper that analysed and addressed a key part of the Martin report in relation to prosecution disclosure.

As an acknowledged authority her opinions and assistance are regularly sought by prosecution and judicial authorities and other Offices of the Director of Public Prosecution around Australia. Not surprisingly, she is in demand as a speaker at national and international conferences on topics including the independence of public prosecution, trial reform, DNA evidence, legal medicine and forensic science, disclosure and prosecution duties, child witnesses and prosecuting sex offences with particular reference to child victims.

Internationally, in 2002 Ms Abraham was invited to nominate and was elected by her peers as a member of the executive committee of the International Association of Prosecutors. This body was established in 1995 at the United Nations offices in Vienna and was inaugurated in September 1996. Prosecution authorities from more than 100 countries are members and it has an organisational membership of more than 200 000 world-wide. That is a significant feather in her cap and I acknowledge, with great respect, her achieving that position.

Her commitments in relation to the Snowtown trial—again, here working hard for South Australia—forced her to decline invitations to be a conference vice-president at the International Association of Prosecutors Conference in London in September 2002 and in Washington in August 2003. As if all that outstanding service is not enough, I would also like to recognise Ms Abraham's teaching and professional advancement. She has been closely involved in continuing legal education programs and in 1994 undertook teaching advocacy. I commend the motion to the house.

Time expired.

The Hon. I.P. LEWIS (Hammond): I commend the member for Bragg for having brought such a motion before the house about not just an eminent, but a pre-eminent South Australian who, it strikes me, stands tall above her peers in the contribution which she has made in the development of case law, as the member for Bragg has detailed and pointed out to this chamber. It will, I am sure in time, be placed in similar ranking with the achievements at about the same age of the late and very much loved Dame Roma Mitchell.

It is incredible that two such outstanding women should have come from South Australia so close together in time in the development of our systems of government, particularly as they relate to matters temporal and judicial. I guess, truth be known, Ms Abraham would have taken no small measure of inspiration from the example of Dame Roma Mitchell in showing the courage as well as the personal conviction to pursue the matters she did within the framework of responsibility she had in the office that she held.

It is a sad thing that we are no longer likely to enjoy her services in South Australia—at least not in the short run. If it were within my power to do something about that, I would. I would endeavour to keep her feet and her mind here in South Australia so that she can remain physically available as well as intellectually stimulating to all those people, men and women of the legal profession, who would want to better understand the way in which she has approached her life's work in her professional career. I know that to do the things often the subject of such controversial efforts as Wendy Abraham has been able to do, takes more than just raw ability and knowledge. It takes a generous nature as well as a very clever insight and understanding of those who might seek to test her resolve, knowledge and insight at times when she is under pressure, as any one of us here in this place might be under pressure from time to time, to get on with the job, by drawing red herrings across the path or placing obstacles in the way of further progress. Yet, she has risen to the occasion in every instance.

Her commitment to rigour and to clarity of purpose in setting her tasks and discharging her responsibilities within those tasks is, I guess, the most outstanding thing we have from her work, as an example to all those who have seen what she has done and been inspired by it. It is fortunate, not just for women in South Australia but for all South Australians, that two such outstanding women as Dame Roma Mitchell and Wendy Abraham have come along, because it means, perhaps, if it ever needed articulation, that women are not in any way inferior in consequence of their biological plumbing to men or any other human being, but they are no less human and equal in every respect. Wendy Abraham is that fine example which enables those in the legal profession to see that it can be done; they ought to try.

No less, it means that a greater number of human beings, particularly women, will make a greater contribution to the overall common wheel of the community in consequence of that example she has set for us. I thank the house for its attentions to my remarks and, again, without going into the detail that the member for Bragg has provided for our edification, commend her for what she has done, and with those remarks, wish the measure swift passage through the house, trusting that there is no member who would dissent from it.

Mrs GERAGHTY secured the adjournment of the debate.

KANGAROO ISLAND TOURISM INFRASTRUCTURE

Adjourned debate on motion of Mrs Hall:

That this house acknowledges the importance of Kangaroo Island as one of Australia's most significant international tourism destinations and, in particular—

(a) recognises the economic contribution Kangaroo Island makes to this state's tourism industry;
(b) views, with concern, the ongoing funding issues facing the Kangaroo Island community with the current lack of specific infrastructure and maintenance provisions by the government;
(c) requests the government to update this house on time lines, planning, progress and funding options for upgrading the port facilities and foreshore developments at Penneshaw and Kingscote, the re-sealing of the tarmac at the Kingscote Airport and the ongoing maintenance and extension of the sealed road network; and
(d) recognises the need for an increase in power accessibility and reliability across Kangaroo Island.

which Mr O'Brien had moved to amend by inserting in paragraph (a) after the word 'industry' the following words:

and also acknowledges the work and commitment by the tourism industry and the South Australian Tourism Commission as well as in promoting Kangaroo Island as a leading ecotourism destination

(b) acknowledges the funding contribution by this government in the construction and sealing of the South Coast Road, between Timber Creek Road and the Flinders

Chase National Park Headquarters at Rocky River and similarly on the construction and sealing of the West End Highway from South Coast Road to Playford Highway. Both roads are under the care, control and maintenance of Kangaroo Island Council.

(c) requests the government to update this house on timelines, planning, and progress for upgrading the port facilities and foreshore developments at Penneshaw and Kingscote, the resealing of the tarmac at the Kingscote Airport and the ongoing maintenance and extension of the sealed road network; and

(d) recognises the need for power accessibility and reliability across Kangaroo Island and acknowledges that the government has committed a direct allocation of $2 million to work to assist the whole Kangaroo Island community in the matter of power.

(Continued from 10 March. Page 2012)

Dr McFETRIDGE (Morphett): I congratulate the member for Bragg and the member for Morialta on their efforts in this house; Mrs Hall for bringing up this motion and the member for Bragg, as a resident of Kangaroo Island, for also being a strong advocate for everything to do with the island. I have had the pleasure of not only visiting the island as a tourist but also having worked on the island. Some very good friends of mine own the veterinary practice in Kingscote. I have been over there giving them some time off, and it allowed me not only to see the island for what is—and that is one of the jewels in the crown of world tourism—but also to see what a fantastic community is on the island. One thing I will say about being a vet is that you have the opportunity to get into people's homes, and into their personal lives, and that gives you a real insight into how a community thinks and how it works, and that allows you to understand what a fabulous place Kangaroo Island is. They are a very proud, close-knit community, and so they should be, with their jewel in the crown of world tourism.

You ask people anywhere around the world about Australia and Australian tourism; what are the icons? They will tell you the Great Barrier Reef, the Sydney Opera House, Ayers Rock—and what is number four? It is Kangaroo Island. Kangaroo Island is amazing in its diversity of flora and fauna. In South Australia we have more hours of sunlight than the Gold Coast; we have more navigable islands than the Whitsundays; and we have a more diverse marine flora and fauna than the Great Barrier Reef. Where is that diverse flora and fauna? It is down along the southern Fleurieu and all around Kangaroo Island. We all know that our marine emblem is the Leafy Seadragon, which is in abundance on the north coast of Kangaroo Island. I should also say that I have a small business interest in an abalone farm on the north coast of Kangaroo Island. Why? Because, once again, like the Leafy Seadragon, they know where the pristine waters are.

This is something that the Labor government here recognises; I will give them credit where credit is due, they have put some money in. But this is not just a South Australian icon, not just a national icon, it is a world icon, and we need to make sure that the state tourism industry does not fail in any way to capitalise on what we have here. It will be one of the biggest industries we have in South Australia, because people want to visit and live in our community and state, with its huge variety of natural assets. The state tourism industry has a good base to build on, particularly Kangaroo Island, which is a jewel that just needs some polishing by putting extra money into its roads. I agree with the new parliamentary secretary for transport that the state government has done that, and I congratulate him on his new position. He is a very knowledgeable person, and I welcome his rise through the ranks. It will not be long before he is on the front bench.

This does not have to be a purely party political issue, with 'We did this, but you didn't.' I do not care whether an opportunity may have been overlooked by a previous government, be it Liberal or Labor. Because this government is raking in millions of dollars in extra GST revenue and is the highest taxing government in the history of South Australia, it has money to put into tourism, roads and infrastructure, but we saw the fairly pathetic infrastructure plan that was issued yesterday. When you consider the legacy of the huge debt left to the Liberal Party when it came into power in 1993, it is amazing what the Hon. Diana Laidlaw did with roadworks, yet yesterday we heard the member for West Torrens criticising her.

No wonder this government can put money into infrastructure and promise big plans, but that is all we have seen at the moment—plans. This government has a truckload of money. The Treasurer reminds me of the man in the Lotto adverts, who is standing on the back of a truck trying to jam the money down to get the truck under the bridge. It is probably the Bakewell Bridge, which is something else the government should have acted on. The government has a truckload of money, and it needs to start spending it and not just making announcements out to 2010 and 2012, with maybe's, would be's and might be's. There needs to be a plan of action now, and the government needs to start spending the money. That is the feedback we have received in just the last few hours on the very piecemeal infrastructure plan. It needs to be a complete plan, and Kangaroo Island must not be forgotten in it.

Getting across to Kangaroo Island is something the state and federal governments really need to look at. I am of the opinion that the link between the mainland and Kangaroo Island should be part of the highway system. Tasmania is a separate state, and it has big subsidies. The ferry fees, although not exorbitant, are very significant, and are a disincentive to visit the icon that is Kangaroo Island. Certainly, for those who live there, many of the goods are a lot dearer, and transporting livestock, freight, produce and grain off the island is also more expensive. The range of produce on the island is amazing—from the wonderful Ligurian bees, which produce unique honey, through to the goats cheese and now the fantastic Kangaroo Island wine. According to some of the French winemakers who have bought land on the north facing slopes of Kangaroo Island, it is some of the best white wine country in the world. The government certainly needs to look at putting the money out there and having a constructive plan, not only for South Australia but for all people in the tourism industry, particularly those on Kangaroo Island.

I acknowledge that the Parliamentary Secretary for Transport has moved an amendment to change the whole intent of the motion. I do not support the amendment, much as I appreciate his fine work. I think that the intent of the motion is to encourage the government, including the federal government (and I hope that it reads this), to recognise and continue to enhance the significance of Kangaroo Island as a state, national and international tourism destination. I support the motion.

Mr SCALZI (Hartley): I will be brief. I have been to Kangaroo Island a couple of times. I have been impressed by the natural beauty of Kangaroo Island. We all know that

Kangaroo Island was settled by American whalers in 1802 when Matthew Flinders visited. We know the story about how the crew was able to get meat. Of course, a few years ago we acknowledged Nicolas Baudin who also passed that way. We know the controversy over which place was settled first. In fact, on 26 July 1836 people landed on Kangaroo Island. Today we are emphasising Kangaroo Island as a great tourist destination and how important it is to the State of South Australia.

Apart from providing valuable primary exports, Kangaroo Island is an attraction for tourism to South Australia. I spoke to the Italian Ambassador last week. He came to Adelaide, and where did he go? He went to Kangaroo Island. I am very much aware that many Italian consuls go to Kangaroo Island. I am aware that an increasing number of Italian tourists go to Kangaroo Island, and this has been going on for a long time. We know about the connection with the Ligurian bees which came from Italy and which are very important on Kangaroo Island because it is one of the very few places they inhabit.

We know the Amadio vineyards and the Island Sting that gets its name from the brew that is made from that honey. Kangaroo Island is the natural holiday paradise for South Australia with its seals, its rugged beauty and the natural environment which many international tourists cannot get overseas. That is why they come to Australia. The member for Morphett mentioned the Great Barrier Reef and Uluru. Kangaroo Island is one of these places that is well known throughout the world. From Kangaroo Island you have the Great Southern Ocean and then, way down, there is Antarctica.

It is such an important place for international tourism, because we all know of the multiplier effect of tourism and the job opportunities that it creates, so it is only right and fitting that the government sees the importance of putting money into infrastructure. Unless you have that infrastructure you will limit the number of people who will bring their American dollars, European euros and English pounds, which are very important when you consider our current balance of trade. When tourists come here and they spend money it is an injection into the economy, which has the multiplier effect—it creates jobs and so on.

An honourable member interjecting:

Mr SCALZI: Yes. We also know that Kangaroo Island is well known for having three great members of parliament: the Hon. Ian Gilfillan of the Democrats, the member for Bragg and, of course, her father, the former member Ted Chapman.

Ms Rankine interjecting:

Mr SCALZI: The member asked: why bring members of parliament into it? Because Kangaroo Island has had a voice in this place—

Members interjecting:

The DEPUTY SPEAKER: Order, members on my right!

The Hon. I.P. LEWIS: Sir, I rise on a point of order. We have a tenor: surely we do not need a soprano, an alto and a base to join the chorus.

The DEPUTY SPEAKER: No, I quite agree. Members on my right will listen to the member for Hartley in silence.

Mr SCALZI: Thank you, Mr Deputy Speaker. Perhaps we could have an opera on Kangaroo Island; it might be a further attraction. I encourage the government, apart from putting in place infrastructure with respect to road, transport and facilities, to perhaps get the honourable members to join a choir that could attract some further tourists—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr SCALZI: Members opposite say that I am being silly.

Mrs Geraghty: You are silly.

Mr SCALZI: If I am silly, and if that attracts tourists, I am willing to sacrifice my reputation for the good of South Australia. I enjoy a song—and I am quite happy to join the sopranos if I have to.

Ms Rankine: You know what *The Sopranos* did, don't you? You know the business they were in. Watch out!

Mr SCALZI: I do not think the honourable member is in tune with the type of music. It is not *The Sopranos*. To me, whatever members opposite say, you can sing anything and you can play any music. But if you really want to sing, you have to sing in Italian: it is the language of opera. What better place than Kangaroo Island to encourage people from Italy to visit and enjoy the beautiful red wine and that beautiful honey liqueur, the Island Sting, which has a connection to the Ligurian bees that were imported from Italy. They are the types of tourists we want to bring over, because they want to see the natural beauty of Australia, and Kangaroo Island has that. Of course, we will not be able to get those tourists otherwise. We already have good returns from Kangaroo Island, but we must put in place the infrastructure.

As the member for Morphett said, this government is flush with revenue from the GST, land tax and stamp duty and has a AAA rating. We welcome all that. Why does it not put some money back into the economy? Give the money back to the people.

Dr McFetridge: They are planning to, though—in 10 years' time!

Mr SCALZI: They are planning to.

Ms Rankine interjecting:

The DEPUTY SPEAKER: Order!

Mr SCALZI: I believe that governments, notwithstanding the political persuasion, should look after our prime tourist spots—

Members interjecting:

Mr SCALZI: Prime tourist destinations, I will say—

An honourable member: The Lion of Hartley!

Mr SCALZI: I do not suggest that we bring lions to Kangaroo Island, because I do not know how the koalas would get on with them.

Time expired.

Amendment carried; motion as amended carried.

OLYMPIC DAM

Adjourned debate on motion of Mr Williams:

That this House acknowledges the recent expansion announcements by Western Mining Corporation and congratulates the former Tonkin Liberal government, supported by the former Labor Legislative Councillor, Hon. Norm Foster MLC, for their strong support for the Olympic Dam project and the long term economic benefit to this State despite intense rejection at the time by the Labor Party Opposition, which was coordinated by a senior adviser who is now the current Premier,

which Mr Snelling had moved to amend by deleting all words after 'congratulates' and inserting:

the Rann Labor government for its strong support and active efforts to work with Western Mining Company to expand the Olympic Dam Mine.

(Continued from 10 March. Page 2015.)

Dr McFETRIDGE (Morphett): The mirage in the desert! Here we go! It was great to see Bob Hawke, that Labor icon, stand up and be counted on nuclear energy.

Mr Koutsantonis interjecting:

Dr McFETRIDGE: I will give the member for West Torrens the newspaper clipping out of *The Australian*. The Premier once called the fantastic uranium mine that we have in our north 'the mirage in the desert'. Now we see the new man, the changed man. There was a cartoon in, I think, *The Independent Weekly* which made some fun of a man sniffing some fumes of uranium. I thought it was a bit out of taste, quite honestly, considering the relevance of some of the issues associated with sniffing fumes, but it emphasised the fact that we have a complete change in attitude of the Premier and the Treasurer. It has caused an awful lost of angst in the state Labor Party, because we have a state Labor Party which is pushing very hard to dig up the uranium in our north and sell it as fast as we can because we know it will be the biggest uranium mine in the world. We have 40 per cent of the world's uranium. Uranium prices are skyrocketing and what will happen? We will reap huge revenues from that mine which can then be put into infrastructure—it can be put into the government's plans and our plans when we are in government (because we will be back in government not too soon). It is the best thing to happen and will benefit South Australia. Thousands of jobs and opportunities will come from the money that will be reaped for the state's coffers from that expansion.

I congratulate the Premier in his turnaround, his complete about-face. He is at the edge of that mirage and has realised it is a real event, it is a real object. He can reach out and grab it. He can smell the money—not just the water; he can smell the money. We know very soon that we will be able to say to the Treasurer, 'Show us the money! Show us the money that you have from the revenues from Olympic Dam and Western Mining', or whoever else takes over. It is a huge venture and will go ahead, not a problem at all.

I can see the member for West Torrens doing an imitation of riding a camel across the desert. He does not need to, because there are fantastic roads going north. I invite all members to go to Beverley and Roxby Downs and see what is happening in our north. Just do not be so 'citicentric' like some on the front bench when they were drawing up the infrastructure plans—anything north of Salisbury does not matter and anything south of Reynella does not matter. But, soon, they will be able to go that far because there will be the money to develop not just the city but also the whole state. Why? Because we have the natural resources that will enable this government to reap the rewards, the revenue and the royalties and spend it on the residents of South Australia. I congratulate all those associated with this fantastic industrial expansion, and I congratulate the member for MacKillop for putting the motion to the house.

Mr KOUTSANTONIS (West Torrens): I rise to support your amendment, Mr Deputy Speaker. Members opposite confuse me because it seems to me they are upset that we acknowledge that they were right in 1979. It seems to me they do not like it when we acknowledge a mistake. They do not like it when we say, 'You know what? Maybe you were right back then.' They hate that. They cannot seem to accept that people can get it wrong. Maybe that is why they stubbornly stick to the failures of the past like the sale of ETSA and the other privatisations of the past. They cannot admit they were wrong.

The only way you can learn and grow is to admit your mistakes. Perhaps some members opposite, who were once fiercely independent, others who might have voted Labor in past elections, could admit that maybe they have made mistakes in the past as well. I think that it is a sign of this government's maturity and the Premier that he realises the massive economic benefit of this project to the people of South Australia. Normie Foster was right back then and we were wrong; in fact, the Hon. John Bannon admitted that we were wrong, as did the Labor Party, by readmitting Mr Norm Foster.

Mr Hanna interjecting:

Mr KOUTSANTONIS: The member for Mitchell interjects that the left was wrong. That is a statement that I subscribe to often in my political career, and it has got some things wrong including some preselections. I can see one member in the house—I am looking him right in the eye—and I reckon they are regretting one preselection that they made.

Mr Hanna: You wouldn't be there if it wasn't for the left, remember.

Mr KOUTSANTONIS: I don't know about that, but I can say this—

Ms Rankine: You have some very close mates in the left, wouldn't you concede?

Mr KOUTSANTONIS: I have very close friends, yes.

Ms Rankine: You've got some close friends in the left.

Mr KOUTSANTONIS: Yes.

Ms Rankine interjecting:

Mr KOUTSANTONIS: I am not throwing buckets at them. Just so that there is no confusion, I have a deep warm affinity with the left wing of the Australian Labor Party. If they did not exist, we would have to invent them. I have a deep affection. I think the Premier and the government have shown great maturity, strength, purpose and leadership on this issue in admitting the mistakes of our past. I am sure that members opposite, when they look into their dark hearts, will realise that their parties have made mistakes in the past as well. I am sure that there is one member opposite who was once railing against the party he is now a member of and, in fact, standing against it and knocking off a former leader of theirs. I am sure that members opposite would admit that their party had made mistakes—errors of judgment, perhaps. I am proud that I am a member of a political party that can admit its mistakes, and I am proud of the political party that can say that the massive economic benefit to this state is worth a little bit of ribbing from the other side.

Perhaps, just once, they could be bipartisan and get up and say, 'Do you know what? The government has made the right decision. Congratulations to the government on making the right decision.' But they cannot bring themselves to do it. Do you know why, Mr Deputy Speaker? It is because they are children. They behave like children. They cannot once get up and say that the Labor Party got it right this time—not in question time or publicly. It is all whingeing, whining and knocking.

Mr Williams interjecting:

Mr KOUTSANTONIS: Well, I urge them to listen to the words of their former premier John Wayne Olsen. Knockers will just step aside. Stand aside and get on with it. Get on our side. Back South Australia and fess up to the mistakes of the past, because the only way you will move on from the errors of the past is to admit where you have made mistakes. Unfortunately, no-one in the Liberal Party is big enough to admit they have made mistakes in the past. Not one of them can get up and say that they have ever got it wrong. They cling desperately to their privatisations and to their belief that they made the right decision when they knocked off Dean

Brown when he had 37 seats in the parliament, heading towards another crushing victory.

Mr Rau: What happened in '97?

Mr KOUTSANTONIS: What in happened in '97? I remember that the images were in stark contrast. I remember the Arkaba Hotel in 1993. People were hanging from the rafters. Then in 1997 in the Arkaba Hotel there was no-one there but John Wayne Olsen. There was no-one there. They cannot admit their mistakes, but we have. The Olympic Dam expansion—to return to the subject matter, is something that I am very passionate about, and I know that there are members of our political party, including myself, who have concerns about uranium mining, because I have concerns about what it is used for. I personally do not approve of uranium being used to build nuclear weapons. The Hawke government in the 80s ensured that whoever buys our uranium does not use it for enrichment, to be made into nuclear weapons. I hope members opposite support that as well, because no-one would want the proliferation of nuclear weapons and its increase, and I am sure we are unanimous in that.

Given that Kyoto does not recognise nuclear power as a carbon credit, and with the challenges we are facing with our carbon emissions and the pollution in the third world, and in Europe and in Australia, and the emitting of the greenhouse gases and a hole of the ozone layer, until we find a solution to those issues and perhaps until we can get the Howard government and the Bush administration to sign the Kyoto protocols, perhaps uranium mining might be a short-term solution to a long-term problem. It is not that I think that we should be advocating that full speed ahead but perhaps it is one of those compromises we make for the greater good of our planet.

So I congratulate the Deputy Speaker on his motion. I think it is a wonderful compromise to the slagging and the whingeing from members opposite to an event that happened 15 to 16 years ago—and they are still clinging to it. They cannot let go They cannot move on. Mr Deputy Speaker, do you hear members on this side whingeing about Terry Cameron? Do you hear us bringing up crossing the floor on privatisation, and Trevor Crothers? We move on. So I say to members opposite: put down the old fights, put down the old rivalries in the Olsen and Brown camps, settle your scores peacefully, bring peace to the Liberal Party, stop the infighting, stop the old fights, stop the old battles of the past and learn from us. The Liberal Party can learn from the wisdom of the Labor Party. In unity there is strength.

Mr SCALZI secured the adjournment of the debate.

SITTINGS AND BUSINESS

Mr MEIER (Goyder): Mr Deputy Speaker, I know the Speaker made a comment earlier, but what is going to happen to these motions that are in the name of the Hon. R.B. Such now that he is Speaker? Do we simply keep adjourning them?

The DEPUTY SPEAKER: Yes. Once a motion has been moved and becomes an order of the day it is the property of the house, so the fact that the member for Fisher has become Speaker is irrelevant. However, those motions which were notice of motion which the member for Fisher did not have an opportunity to move are discharged. Another member may wish to take them up and, if he does, he will have to go through the normal process of making them his own notice of motion.

[Sitting suspended from 1 to 2 p.m.]

LAND TAX

A petition signed by 1 325 members of the South Australian community, requesting the house to urge the government to provide immediate land tax relief through the reform of the current land tax system, was presented by the Hon. R.G. Kerin.

Petition received.

POLICE STATION, MOSELEY SQUARE

A petition signed by 97 residents of South Australia, requesting the house to urge the government to reinstate crime prevention funding to local councils and locate a 24 hour police station in a prominent position in Moseley Square, was presented by Dr McFetridge.

Petition received.

SEX OFFENDERS, LEGISLATION

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

Leave granted.

The Hon. M.D. RANN: The government today will give notice of a bill that seeks to ensure that judges bring down sentences on sex offenders in line with the tougher community standards of today no matter when the offence occurred. This government is determined to get its message through to the courts that we want a much stronger sentencing regime imposed on sexual predators. We decided to bring in this new legislation after a decision last month by the Court of Criminal Appeal in South Australia to reduce the sentence of a convicted paedophile, Gregory John Kench, from 10 years with a six-year non-parole period to eight years with a five-year non-parole period. Kench, a former scoutmaster, was convicted last year on five counts of unlawful sexual intercourse and two counts of indecent assault involving a 13-year-old boy, a former scout. He cruelly abused his position of trust and has apparently shown no remorse. The judges reduced his sentence to take account of his committing this offence in the early 1990s when sentencing standards were more lenient than today.

It is a source of frustration for the government that judges would create two classes of paedophiles. In my view, a paedophile is a paedophile whenever the offence occurs, and if it takes years to catch and convict one then the tougher standards of today should apply. The police Paedophile Task Force, since it was formed in 2003, has been inundated with hundreds of inquiries, and it is currently investigating 146 offences. The task force has, as a result, made 27 arrests that are now in various stages of prosecution. Many of these relate to offences committed prior to 1982. This has been made possible by this government's decision to abolish the 1982 statute of limitations which applied to sex offences.

An honourable member interjecting:

The Hon. M.D. RANN: This parliament—exactly. This legislation also includes a 'two strikes and you're out' policy rather than the current system of requiring three sex offences for a court to declare someone a serious repeat offender, thus incurring heftier sentences including minimum non-parole periods. Sex offences will include: rape, unlawful sexual intercourse, indecent assault, acts of gross indecency, sexual servitude, and persistent sexual abuse of a child. So, it's two

strikes and you're out. We are making sure that judges can no longer say that they are giving lighter sentences because these offences have occurred in the past. They have to be judged by the harsher standards of today.

Mr Hanna: Why not go back to the 1950 standards and whip people?

The Hon. M.D. RANN: It's interesting that—

The SPEAKER: Order! The member for Mitchell is out of order. The Premier should ignore interjections.

The Hon. M.D. RANN: The member for Mitchell is also out of touch with community standards on this issue. We want to broaden the law for those found incapable of controlling their sexual instincts to include those who are found by two psychiatrists to be unwilling to control their sexual instincts. Those refusing an independent examination by a psychiatrist will be deemed unwilling.

This legislation will, if it gains the bipartisan support of the parliament, which I am hoping for, give the Supreme Court the authority to detain those incapable or unwilling offenders indefinitely. Lock them up indefinitely—that is what most people I know want to do. This applies to prisoners currently serving prison terms, as well as those convicted in the future. If they remain a threat to our children, then they deserve to stay in gaol for good. I would be happy if this type of sexual predator stayed in gaol forever. At present, higher penalties apply to sex offences against children under the age of 12 years. The government's bill extends those higher maximum penalties when those offences are committed against children under the age of 14, not just under the age of 12.

For example, offenders convicted of having sex with a child aged under 14 will now face a maximum penalty of life imprisonment—up from the previous maximum of seven years. We are going to up it from seven years to life imprisonment. The government is also determined to pursue legislation to abolish automatic parole for sex offenders currently being considered in the other house. I look forward to the support of all members of parliament on this issue. The judges will get the message: that is why we are changing the law.

Ms Chapman interjecting:

The Hon. M.D. RANN: The member opposite says that they need help. It is our kids who need the help, not the paedophiles.

The SPEAKER: The Premier and the member for Bragg will come to order! We could do with a bit of law and order in here.

EMPLOYMENT

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.W. KEY: I am pleased to inform the house that once again South Australia has achieved a record in the number of South Australians in work. Australian Bureau of Statistic figures released today show that in trend terms 736 600 South Australians were in work in March 2005. The unemployment rate has also fallen to 5.2 per cent, only marginally above the national unemployment rate of 5.1 per cent, and better than Tasmania, Victoria and New South Wales. There are also 44 300 more jobs in the state since we came to office. That makes a monthly average of about 1 200 extra jobs in the economy for every month that Labor has been in office.

The figures also show that, last month, South Australia achieved 9.1 per cent of the nation's new jobs—well above the state's working age population share of 7.7 per cent. I might add for the member for Waite that that statistic is particularly important when you look at the income and wages matter which he has been raising. I know that members in this house will be delighted to hear that South Australia is fighting well above its weight in creating full-time jobs in particular. For a decade, South Australia has had a reputation for failing to create its share of full-time jobs compared with the rest of the nation. Over the period December 1993 to February 2002, South Australia recorded the slowest growth on the mainland.

In 10 years, full-time employment has increased in South Australia by only 1.4 per cent. This compared to national growth in full-time employment of 11.1 per cent. Last month, full-time employment in South Australia grew for the 13th month in a row. In trend terms that is an increase of 2 000 full-time jobs in one month. In last year alone, 20 200 new full-time jobs have been created in our state. In fact, South Australia's entire jobs growth over the past year has been in full-time jobs. Nationally, only 63.5 per cent of the jobs created over the past year were full-time. In last year's state budget, Treasury forecast that South Australia would experience employment growth of 0.75 per cent in the 2004-05 financial year. To March this year, South Australia has already recorded employment growth of 2.2 per cent, nearly three times the forecast rate.

South Australian businesses are clearly feeling confident that this state is a place where they can do business and commit to employing full-time workers. I am very proud to say that South Australia has a very good record now of working full-time.

PAPER TABLED

The following paper was laid on the table:

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

Independent Gambling Authority—Inquiry into an Allegation of Betting with a Child.

The SPEAKER: Before I call on questions, I remind all members that questions should be concise. The chair does not want to hear debate, which is out of order.

QUESTION TIME

MURRAY-DARLING BASIN COMMISSION

The Hon. R.G. KERIN (Leader of the Opposition): What action has the Premier taken to convince the New South Wales and Victorian Labor premiers to reverse their decision to refuse an increase in funding for the Murray-Darling Basin Commission? At last Friday's Murray-Darling Basin Commission meeting, New South Wales and Victoria refused to increase funding for the Murray-Darling Basin Commission. This has resulted in all contributions being reduced by a total of $12 million, causing a major delay in projects aimed to look after the river's future.

The Hon. K.A. MAYWALD (Minister for the River Murray): It is obvious that this question is a question for the Minister for the River Murray, given that the Minister for the River Murray is the lead minister in the Murray-Darling

Basin Ministerial Council, not the Premier. I believe that the actions of New South Wales—

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. K.A. MAYWALD: —have been unconscionable in respect of this particular matter. South Australia went to the commission meeting last Friday with a view that we needed to fully support the commission's preferred budget, which was for a $111 million budget for the next financial year. The New South Wales government came to the table with a different view. The New South Wales government believes that it had contributed money in other areas in relation to water management—the National Water Initiative, and others, and the Living Murray—and, therefore, it would support option (b), which was a lesser option and which resulted in a reduction in the amount of money that the commission required to maintain programs committed to by the council for the next year.

This is a great concern to South Australia because it will impact upon the commencement of construction of the Lock 1 fish passageway and the upgrading of the navigable pass at Lock 1; delay commencement of the construction of the Waikerie stage 2B salt interception scheme; and also extend the time for completion of the fish passageway program, which is a $25 million program, to build fish passageways at the locks and weirs from the barrages through to the Hume Dam. That will be extended for a couple of years now. Another concern is that the basin salinity strategy will be in jeopardy in that we may not achieve the salinity targets in the time frame which was expected by the commission and to which the council had committed.

I believe this is unconscionable. It was not a lot of money in the scheme of things, but New South Wales came to the table with a very bloody-minded approach to this, in that they refused to budge one inch. The funding level at which they determined the commission would be funded results in a $3 million reduction in funding from what we are seeing in this financial year. The commonwealth and South Australia argued very strongly to support option (a), which was the $111 million option. We were unsuccessful in convincing New South Wales, who had no room to move as they had their Treasurer's riding instructions. This was extremely disappointing for all the basin states, but, because of the way in which the Murray-Darling Basin Agreement has been negotiated, it is a consensus body and therefore we were unable to change that decision.

SUPPORTED ACCOMMODATION

Ms RANKINE (Wright): My question is to the Minister for Housing. What is the status of negotiations between the state and commonwealth governments on the latest supported accommodation assistance program agreement?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for her question. I know she has a special interest in a number of these agencies that carry out the important work of providing crisis accommodation to some of the most vulnerable members of our community.

Members might recall that I informed this place earlier this year of an abysmal offer we received from the commonwealth in respect of the next Supported Accommodation Assistance Program (SAAP) funding round. This is a five-year agreement, and we received our offer just before Christmas. It was a very nasty Christmas present. It involved a $15 million cut over five years, $3 million each year, and the astounding thing about it is that it came off the back of an evaluation of the SAAP program, which said that it was a fantastic program in that it was actually achieving its aims and, secondly, it was already under-funded to the tune of 15 per cent, so a cut was, to say the least, not expected and not welcome.

We have tried to explain in the clearest possible terms to the federal minister that not only is South Australia (and indeed many of the other states) doing so much more in relation to homelessness than just its contribution to SAAP—and in particular I drew attention to the $20 million of additional funding that we were putting into homelessness through our social inclusion initiatives—but that, importantly, what was sought to be achieved by the commonwealth was to create a pool of money. It was to hive off money from the base of the contributions to the states, put it in a pool and then ask NGOs to go and compete for that money.

They were meant to break ranks with the state governments and all climb over each other to bid for this pilot money. Two things happened. One is that the NGOs would not have a bar of it, and they are sticking with the states. The second thing is that they do not want pilot money. They do not want short-term project money. They want to be assured that their funding base is secure and settled for the future. One of the reasons they need that is that they cannot recruit people. The people who work in this sector are not paid a lot of money and they are flat out recruiting people already. The idea of a one-year pilot that may or may not continue is just nonsensical.

On top of that, we know what works: we do not need further pilots in this area. We are trying to persuade the commonwealth that, first, it recognises the contribution that states are making to the homeless sector. Secondly, we want to have put back into our base the money that has been ripped out through this offer. I think there is a small sliver of light coming through the door, after the last two conversations that we had with the federal minister. I am taking every opportunity to meet with her and to have others make representations to her to ensure that she has a very clear message from the sector.

The other day I attended a meeting organised by the SAAP sector, and I was surprised at the level of anger that was directed to the federal government, for a change. It is certainly something that I will be reflecting to the federal minister. I hope that she has seen that the initial offer is not sustainable, and we look forward to fruitful discussions with the commonwealth.

MURRAY-DARLING BASIN COMMISSION

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for the River Murray. Given the fact that New South Wales and Victoria refuse to increase their contributions to the Murray-Darling Basin Commission and, therefore, South Australia will not be increasing its contribution, will the minister assure the house that the extra money that South Australia was going to put into the Murray-Darling Basin Commission will not go back to Treasury but will be diverted to other River Murray initiatives in South Australia?

The Hon. K.A. MAYWALD (Minister for the River Murray): As the leader would appreciate, when attending these ministerial council meetings the cabinet provides the minister with the opportunity to negotiate up to a certain level

in relation to the Treasurer's Authorisation for Funding. Those moneys will now be the consideration of the current budget process, and I suggest that the honourable member wait and see.

EVERY CHANCE FOR EVERY CHILD

Mrs GERAGHTY (Torrens): Will the Minister for Health update the house on the progress of the Every Chance for Every Child universal home visiting program, which commenced just over a year ago, and on its reception at both state and national level?

The Hon. L. STEVENS (Minister for Health): I thank the member for Torrens for her question. I am very pleased to update the house on the universal home visiting program and I am especially pleased to do it today on World Health Day, with its message this year being 'Make every mother and child count.'

Members will recall that just over a year ago we announced that every mother would be offered a home visit from a community child health nurse within the first few weeks of her baby's life. I am pleased to report that South Australia has embraced this initiative and we have now surpassed 20 000 home visits to parents and children in their own homes. At the home visit the child health nurse establishes contact with parents, conducts the baby's first health check and links the family with other services if required. Following the first home visit, some families are offered the opportunity to participate in an extended two-year family visiting program that aims to provide children with the best possible start in life and assist families in providing the best support possible for their children. We now have 510 families who are receiving these ongoing visits over two years.

I am pleased to inform the house that this government's key initiative for child health is being hailed as a national model by an expert in children's health. Professor Julie Quinlivan, dean of medicine at the University of Notre Dame Australia, believes that South Australia's home visiting program and ongoing family visit support is a model that should be used around the nation. Professor Quinlivan says that the programs in place under our Every Chance for Every Child initiative are excellent. Our home visiting program is one of the very few programs anywhere to have such good acceptance rates—rates of around 98 per cent. What works in South Australia is the combination of excellent staff training and backup resources provided by $16 million of additional state funds. The home visiting program is not just about a nurse performing a home health visit; it is about linking families to the services and support that they need to help them give their children the very best start in life.

MURRAY-DARLING BASIN COMMISSION

Mr BRINDAL (Unley): My question is to the Minister for the River Murray. Since she is the lead South Australian minister to the Murray-Darling Basin Commission, and she is the first one who has ever returned from the council having failed to secure the agreed budget from the partners, will she now immediately resign? If not, how will she explain her future to the South Australian electors?

Members interjecting:

The SPEAKER: Order! The member for Unley is breaching standing orders by putting comment into what is meant to be a question, but was more a statement. He should be—

Mr BRINDAL: 'Will she resign?', sir, is a question.

The SPEAKER: Order! The chair is speaking. The member should ask a question in accordance with standing orders.

Mr BRINDAL: With your leave and with the leave of the house I seek briefly to explain: the minister has in her answer explained that she is South Australia's lead minister. The lack of cooperation between the states and the ministers responsible has resulted in a $12 million shortfall to the commission's capital works budget and has undermined the future of the Murray. In her own answer to this house minutes ago, sir, she said, 'It was unconscionable' and 'bloody-minded' on the part of New South Wales, and she described her own efforts as unsuccessful. In addition, we have learnt from her answer to the last question that she cannot even guarantee South Australia's funds appropriated by this parliament. So the question is self-explanatory.

Members interjecting:

The SPEAKER: Order! The house will come to order before I call the minister.

Members interjecting:

The SPEAKER: Order! I remind members that questions are meant to be questions; they are not meant to have a suggested answer. The minister will answer according to standing orders.

Mrs Redmond interjecting:

The SPEAKER: And the member for Heysen will listen!

The Hon. K.A. MAYWALD (Minister for the River Murray): Thank you, Mr Speaker, and I thank the member for his question. Firstly, I would like to put on the record my commendation of the commonwealth government for its efforts in supporting South Australia in trying to convince New South Wales to change its position. The minister who is the chair of the Murray-Darling Basin Ministerial Council is the Hon. Warren Truss, who is also the Minister for Agriculture, Fisheries and Forestry.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. K.A. MAYWALD: He argued valiantly in support of South Australia's position. I thank him for that, and I commend him, but both the federal government and myself were unable to change the New South Wales position on this. As to the question of whether I intend to resign, the answer is no.

CITY OF ONKAPARINGA, GREEN WASTE RECYCLING

Ms THOMPSON (Reynell): My question is to the Minister for Environment and Conservation. When will residents in my electorate, and elsewhere in the southern suburbs, have access to better recycling services for organic waste?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Reynell for that important question, and I know that residents of her electorate, my electorate, and the electorate of the member for Mawson, and others in the south, are frustrated by the lack of council kerbside green organic recycling. That means that organic material like lawn mower cuttings are going to landfill, or in some cases compost in backyards, or going away with Jim's Mowing, or some other organisation, I guess, when they could be recycled.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: As the member for Mawson says, they are ending up in stormwater. The government, through Zero Waste SA, has been working with the state's councils to meet a common standard on recycling, and I am pleased to inform the house that the state's largest council, the City of Onkaparinga (which I have a lot to do with because my electorate is completely within their boundaries) has this week, and I am pleased to announce it, taken the decision to introduce a kerbside green waste service.

Mr Brokenshire: Is the government putting money in?

The Hon. J.D. HILL: We will be. Sixty thousand households will be given a 240 litre green organic bin that will be emptied once a month. The collection of waste from these households is expected to divert an additional 13 000 tonnes of organic material from landfill each year, a substantial amount of material which otherwise would have gone to landfill. The new service is to be introduced in the first half of next year, when residents in the South will have access to the same standard of green organic recycling as residents in Burnside or Tea Tree Gully.

The Hon. W.A. Matthew interjecting:

The Hon. J.D. HILL: Yes, Zero Waste has been helping a lot of the councils.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The decision is another step towards South Australia's strategic plan target of a 25 per cent reduction of waste to landfill by 2014. So, on behalf of the government, I congratulate the City of Onkaparinga, which is rolling out upgraded waste services across the southern suburbs.

DESALINATION PLANT, EYRE PENINSULA

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Administrative Services. Will the minister inform the house how much of the $5.2 million allocated as expenditure in the budget for this year on the water desalination plant on Eyre Peninsula has been spent, and will he assure the house that the majority of that money actually will be spent before 30 June this year? Yesterday the minister told the house that the government is resolving the Eyre Peninsula problem. In his answer, he quoted page 43 of this year's Capital Investment Budget statement. This is now the third consecutive year that this project has been listed in the government budget, with 2003-04 capital budget listing this project for completion during the current financial year.

The Hon. M.J. WRIGHT (Minister for Administrative Services): What I said yesterday is correct. I also said that the government is looking at other options including the option that is put before us by Western Mining. We will continue to look at all options before we make, what we think to be, the best decision for the Eyre Peninsula.

The Hon. R.G. KERIN: I have a supplementary question, sir. The solution put forward by Western Mining—how much pipeline is going to have to be built to make that relevant to the Eyre Peninsula?

The SPEAKER: I think that that was a hybrid question.

The Hon. M.J. WRIGHT: I do not believe that to be a supplementary question, nonetheless, this government is serious about looking after the interests of regional South Australia. There has been a proposal put forward to us by Western Mining Corporation. This government is going to treat that seriously and we are going to come forward with the best possible option for the Eyre Peninsula. It is as simple as that.

BROADBAND SERVICES, REGIONAL AREAS

Ms BREUER (Giles): My question is to the Minister for Administrative Services. What is the government doing to help regional areas access broadband services?

The Hon. M.J. WRIGHT (Minister for Administrative Services): I thank the honourable member for her question, and I acknowledge her tireless work for communities in regional South Australia, as well as Outback South Australia. I am pleased to advise the house that Port Lincoln businesses and residents will soon benefit from new broadband services, thanks to the planned establishment of a $3.2 million high speed communications link from Adelaide and a fibre optic network in the town. The project also paves the way for future broadband services in Whyalla and Port Augusta.

In collaboration with my colleague the Minister for Science and Information Economy (the member for Chaffey), the government and private enterprise are together contributing $1.7 million to this project. South Australia has been successful also in winning $1.5 million from the commonwealth's Coordinated Communications Infrastructure Fund for the project. I would like to acknowledge the support of the member for Flinders, who wrote a letter of support for part of South Australia's funding bid. The State Infrastructure Plan includes a strategy of making maximum use of the government's purchasing of broadband services to stimulate investment in broadband infrastructure.

This is a perfect example of doing just that. By aggregating its demand for ICT infrastructure, the government has been able to use its buying power to achieve benefits for both the government and the community. The result will be greater choice in telecommunication carriers for the Lower Eyre Peninsula, as well as significant increase in broadband availability, speed, affordability and reach. It also means faster access for government services and opportunities for business growth based on the increased broadband. Government services to benefit include Port Lincoln's hospital and health services, schools, TAFE, the University of South Australia's Indigenous Studies Centre and Flinders University's Marine Research Centre.

This, of course, translates into benefits for Eyre Peninsula families. New high speed broadband services will also provide opportunities for local businesses and the community by creating alternative carrier connections, for example, to local internet service providers. Wireless broadband also opens up access for businesses and homes that lie too far from optical fibre paths or existing ADSL services. Construction of the high speed broadband facility is expected to start as early as July this year. This is another example of this government supporting families and businesses in regional South Australia and governing for all South Australia.

DESALINATION PLANT, CEDUNA

Mrs PENFOLD (Flinders): Will the Minister for Administrative Services advise the house whether a privately funded desalination plant at Ceduna would be given the opportunity to sell water to SA Water at commercial rates? Ceduna and surrounding districts currently receive very poor quality—and highly chlorinated—water from SA Water at an estimated cost of $3.60. On Tuesday I received an email from a person at Warilla who is about to install a $9 000 water

softener for his farm. He listed major problems with the water on Eyre Peninsula, and the last sentence of his email states:

In conclusion, the quality of the water supplied on the Eyre Peninsula is in need of urgent attention as the quality has deteriorated over the years and continues to do so and will be unusable.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I thank the honourable member for her question, because she is acknowledging that the previous government did not concern itself with water issues on the Eyre Peninsula. As I have already said, we are taking seriously the interests of all South Australians. We will govern for regional South Australia even if the former government would never do so.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: The members for Mawson and Schubert will come to order. That was debate rather than answer. The member for Hammond.

PARLIAMENTARY PRIVILEGE

The Hon. I.P. LEWIS (Hammond): My question is to the Attorney-General. Before introducing, on Monday last, 4 April, bill 93 on the *Notice Paper*, variously known as the 'Get Peter Lewis bill' or the 'Abolition of parliamentary privileges bill'—

The SPEAKER: Order! That is comment.

The Hon. I.P. LEWIS: —did he, or any other minister who had responsibility for deciding to introduce it, consult the opinion of the Solicitor-General; and, if so, what was the Solicitor-General's advice; and, if not, why not?

The SPEAKER: Order! The member for Hammond well knows he should not comment. He asks a question. The Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I have had to sit here all week with the member for Waite saying under his breath across this chamber, 'We know what kind of people you are,' and under his breath—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! You will both take a seat.

Members interjecting:

The SPEAKER: Order! The member for Waite will resume his seat.

Members interjecting:

The SPEAKER: Order! The house will come to order.

The Hon. M.J. ATKINSON: Mr Speaker, the member for Waite may be an officer but he is not a gentleman.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Attorney should respond to the question and we will deal separately with the other matter.

The Hon. M.J. ATKINSON: If you want to make allegations, member for Waite, you make them; you make them openly.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: Mr Speaker—

Members interjecting:

The SPEAKER: Order! The Attorney will take his seat. I am waiting for the house to come to order. Members need to calm down and remember that they are here to represent the people of South Australia and not anything else. If members are saying things across the chamber the chair does not always hear that sort of comment, and does not want to because it should not be happening. The Attorney should not be commenting. He should be responding to a question he was asked by the member for Hammond. The member for Hammond started by commenting in his question. The Attorney should respond to the question and if there are any other matters we will deal with them in the appropriate way. The Attorney.

The Hon. M.J. ATKINSON: Mr Speaker, the answer is yes.

The Hon. I.P. LEWIS: Mr Speaker, as a supplementary question to that, may I ask, as I did at the time: what was that advice?

The SPEAKER: Does the Attorney wish to respond to that? It is up to the Attorney—he doesn't wish to respond. The member for Bragg.

Members interjecting:

The SPEAKER: Order! I warn the member for Morphett, and there will be people named shortly if they continue to defy the chair. The member for Bragg has the call.

ABRAHAM, Ms W.

Ms CHAPMAN (Bragg): My question is also to the Attorney-General. Does the Attorney regret that Wendy Abraham QC has now left the service of South Australia, and what action did he take to try to keep her in the Office of the Director of Public Prosecutions?

The Hon. M.J. ATKINSON (Attorney-General): Yes, I do regret her leaving. I would like her to have remained as the deputy to the new Director of Public Prosecutions who was recommended by the panel, Mr Stephen Pallaras QC. Since the member for Bragg asks, in order to keep Wendy Abraham in this state, I offered her a position on the bench.

Members interjecting:

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

Mr Brokenshire interjecting:

The SPEAKER: I warn the member for Mawson.

GRAIN EXPORTS

Mr RAU (Enfield): My question is to the Minister for Primary Industries and Resources. Has the minister seen recent reports in *The Advertiser* newspaper to the effect that wheat exporter AWB Pty Ltd will retain its monopoly on overseas sales, and does this mean that the federal Treasurer has withdrawn threats to penalise South Australia through national competition payments unless this parliament removes a similar monopoly for ABB Grain's barley export monopoly?

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I am surprised to get this question from the member for Enfield. I do not share all his socialist agrarian views in relation to national competition policy. Sadly, on this occasion, the federal Treasurer has not extended to this state the same luxury that he has extended to Warren Truss. I have expected all week a question from the member for Schubert in relation to barley marketing. Given Wednesday's article in *The Advertiser*, obviously the member for Schubert chose not to ask a question, because the only

interpretation you could put on that article is that we have double standards—

Mr Williams interjecting:

The SPEAKER: Order! I warn the member for MacKillop.

The Hon. R.J. McEWEN: —and we have a bullying federal treasurer. So let us come back to where we are. You might remember, Mr Speaker, that last year I introduced legislation into this house to address what the federal treasurer considered to be anti-monopolistic clauses within state legislation. One of those involved chicken meat, and I thank the opposition for supporting amendments to that bill to allow us to make the changes required under national competition policy. That penalty was dropped. Sadly, the second one was barley. I introduced a bill, and at that time you made the point that the government had no desire to see an end to a system that had served this state well but, equally, we were not prepared to take a $3 million whack. So, I introduced that legislation. Obviously, because of the suspension of the second session of the 50th parliament, that bill lapsed.

After discussions with the Leader of the Opposition and the shadow minister for agriculture, I gave an undertaking that I would not reintroduce that legislation during the sensitive commercial process of amalgamation. Once that had occurred, I was then in a position to again consider reintroducing the legislation, but at that time the South Australian Farmers Federation indicated to me that they believed that the federal treasurer was sympathetic to reviewing his position. We were delighted. Being the meat in the sandwich and having no wish to interfere in what industry thought was a satisfactory and orderly marketing position, we preferred not to interfere, but again, we were not going to put $3 million at risk.

So, the Premier on two occasions wrote to the federal Treasurer seeking clarification of the undertakings he had given to SAFF. Sadly, last month we received correspondence from the federal Treasurer to say that, notwithstanding the discussions that he had last October with SAFF, he was again going to impose the $3 million penalty on this state, unless we were prepared to throw good money after bad and attempt for a third time to establish that there is some public good in the present marketing arrangements. Members might remember that that could not be done by the Leader of the Opposition, and that the member for Schubert offered to go to Canberra with me to discuss the matter with the federal treasurer, but the National Competition Council said, 'Don't bother. Econtech and the Round review have both failed to demonstrate public good. Please don't waste money again on a third attempt to prove there is public good.' I am not prepared to close the door on that.

I am prepared at this stage to do three things. First, I am prepared to say that this state will not roll over and accept the $3 million penalty, but I am prepared to work with the new Grains Council of SAFF (with Brett Roberts and his team) to see if we can find some capacity within the amended resolution 5 that was passed at the last Grains Council meeting and the requirements of the federal government, and then within legislation at this state level satisfy their requirements and the NCC's requirements. Equally, I am prepared again to have a discussion with the National Competition Council to see whether they would be prepared to consider a third attempt to describe some public good. If I cannot find a mutually agreed position between ourselves and the Grains Council, and if I cannot get an undertaking from the National Competition Council that they are prepared to consider for a third time a study into public good, I have no choice but to reintroduce legislation into this parliament to retrieve the $3 million which is rightfully ours.

Members interjecting:

The SPEAKER: The house will come to order!

PAYROLL TAX

Mr SCALZI (Hartley): Will the Premier comment on why the government has not abolished payroll tax liability for large charitable organisations, including Greening Australia, the RSPCA and the Animal Welfare League, as has been done in almost every other state of Australia? I understand that, although in June 2003 an ex gratia payment equivalent to Greening Australia's retrospective payroll tax obligation of $131 211 was made, the liability for Greening Australia continues, as it does for the RSPCA, which received no exemption and paid $70 384, and the Animal Welfare League, which paid $75 971 in payroll tax last financial year.

The Hon. M.D. RANN (Premier): The honourable member would be very pleased that the government in its last budget brought down massive cuts to payroll tax and other business taxes; and, indeed, followed later with a huge cut to land tax, which was interesting, because members opposite were calling for it but, when we brought it down, they did not seem pleased that we had. Of course, you would be really pleased today—

The Hon. DEAN BROWN: Mr Speaker, I have a point of order.

Mr Koutsantonis: Where's your land tax policy?

The SPEAKER: I warn the member for West Torrens.

The Hon. DEAN BROWN: The question asked by the member for Hartley was a very specific question in relation to payroll tax for three organisations. I would ask that that question be answered without debate, as required under standing order 98.

The SPEAKER: Order! The member will resume his seat. In taking a point of order, the member only has to refer to whether it is relevant or whatever, not give a drawn out explanation.

The Hon. M.D. RANN: I know that members opposite are excited by today's news that there are 44 300 more jobs in this state compared with when Rob Kerin was the Premier. I know you are celebrating that—that we have a monthly average of—

Mr Scalzi interjecting:

The SPEAKER: The member for Hartley will come to order!

The Hon. M.D. RANN: —around 1 200 extra jobs in the economy.

The SPEAKER: The Premier will resume his seat.

Mr Scalzi interjecting:

The Hon. M.D. RANN: I will get a report on this matter.

The SPEAKER: Order! The Premier will resume his seat. I name the member for Hartley for defying the chair and the Premier will resume his seat when he is spoken to. I have named the member for Hartley. Does he wish to stand and apologise?

Mr SCALZI: I apologise in the interest of those organisations.

Members interjecting:

The SPEAKER: That is not an apology. The member will apologise without any equivocation.

Mr SCALZI: I apologise, sir.

The Hon. M.D. RANN: I am more than happy to get a report on this matter. In fact, I will ask the Deputy Premier, the Treasurer, to give me a report on that sine die.

PREMIER'S READING CHALLENGE

Mr CAICA (Colton): My question is to the Minister for Education and Children's Services. What steps are being taken to promote the Premier's Reading Challenge in 2005?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Colton for his question. I know he has a keen interest in our clear focus on literacy in the early years and he recognises the importance of good literacy skills in young people being retained in the school system and achieving their goals. Getting children to read books is a challenge—not only the mechanics of ensuring they are capable of reading but knowing that they are interested and enthusiastic about learning those skills. That is why we have put extra money into library books to give them new challenges in their reading and we have also instituted the Premier's Reading Challenge, which has been an extraordinary success. Last year, 70 per cent of schools in South Australia (across both public and private sectors) were engaged in the program; 98 000 children enrolled and there were 50 000 successful children who each received a signed certificate from Premier Mike Rann commending their activities in reading 12 books in the period under study.

Already 570 schools have enrolled this year, and I urge all members of parliament to ensure that schools in their constituency are engaged in this program, because it certainly makes a difference to young people when they have a challenge and the enthusiasm to borrow books. If you listen to stories from parents and teachers, and even librarians, who have been staggered by the number of loans taken out on books, you will understand why getting a bigger and better list of reading books is really important. So many young people in our schools have read the whole of their year category of books and are looking for different challenges.

This year we have added a mini challenge, an extra twist. The reason we have become involved in footy is that two of our ambassadors are stars of the football field: Che Cockatoo-Collins, former Port Adelaide player, and Mark Bickley, former Crows player. They are both keen ambassadors for the reading challenge. This year the extra challenge will focus around the 10 April showdown. We are asking all children enrolled in this program to log onto the Premier's Reading Challenge web site to register the team they support; because we want to know which team's supporters read the most books.

Already we know that 11 000 books have been read, and we want them to log on because, unlike the political polls in this state, the results are neck and neck in the Port Adelaide-Crows challenge and we want there to be a clear winner on the showdown day.

The Hon. M.D. Rann interjecting:

The Hon. J.D. LOMAX-SMITH: The Roosters will do very well because, after all, it is the Year of the Rooster. I know members opposite are laughing about this, but one of the great challenges in education—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: They laugh! One of the great challenges in education is to engage boys, because there is a great deal of data which shows that boys are challenged in the middle years. They have problems in retention—and looking opposite we see they have problems in achievement.

Members interjecting:

The SPEAKER: Order! The house is getting disorderly.

The Hon. J.D. LOMAX-SMITH: The reality is that linking reading outcomes with sporting challenges is a good way to engage more boys in reading, and we expect that this will produce better results for boys: log on, take up the challenge and let us see which team is the winner.

The SPEAKER: Order! The chair would encourage members to consider reading the standing orders as part of a reading challenge for this place.

ABRAHAM, Ms W.

Ms CHAPMAN (Bragg): My question is to the Attorney-General. When the Attorney-General offered Wendy Abraham QC a position on the bench, was he mindful of the fact that would remove her as prosecutor for the Premier's adviser Randall Ashbourne?

The Hon. M.J. ATKINSON (Attorney-General): I have absolutely no idea who the Office of the DPP will choose for that prosecution. Secondly, I notice that the Adelaide solicitor Eugene McGee is on trial in the court at the moment. I notice from watching the television news that the Office of the DPP has brought in an interstate prosecutor—which seems eminently sensible to me.

CRIME STATISTICS

Mr KOUTSANTONIS (West Torrens): Will the Attorney-General inform the house how the government is improving public access to promotion about crime at a local level?

The Hon. M.J. ATKINSON (Attorney-General): The government recognises the need to ensure the public has access to better information about crime trends at local level. Access to such information not only contributes to better crime prevention responses at the local level but also increases public awareness about how their local area compares to other areas across the state. In response to this need for spatially-based crime statistics, the Office of Crime Statistics and Research has developed three computer-based applications.

An honourable member interjecting:

They are Crime Mapper, an offence analyser and a demographic analyser. Crime Mapper is a web-based application that allows members of the public to map by themes the geographic distribution of recorded offences for local areas across South Australia. As well as selecting the type of offence to map, for instance vehicle theft and assault, users can select how to measure those offences, for instance number, rates of offences for the particular council area, and rates of offences for a particular period. The first version of Crime Mapper with public general access was released by the Office of Crime Statistics web site in December 2004.

Members of the public can also use the Crime Mapper application on the Office of Crime Statistics web site to request electronic copies of more detailed reports outlining the demographic and offence profiles of any local council area in South Australia. These reports are automatically generated by the Office of Crime Statistics through its offence analyser and its demographic analyser. The offence analyser generates reports of four-year crime trends for any council area in South Australia, while the demographic

analyser generates reports that complement and help interpret the crime data provided in the offence analyser report.

They contain information derived from the Australian Bureau of Statistics' 2001 Census of Population and Housing, including details on population counts, population density, age, sex and ethnicity, education, employment and housing. Feedback from users has indicated that the new applications are proving useful to people needing access to crime and demographic information for specific areas of the state. We expect the applications to be continually improved and updated during 2005 as more data becomes available. I commend the Office of Crime Statistics and researchers' three new computer-based applications, and I apologise to the house for the minister putting a dampener on my answer!

CAPITAL WORKS BUDGET, GOVERNMENT VEHICLES

The Hon. W.A. MATTHEW (Bright): Will the Minister for Infrastructure explain to the house why he does not care about the movement of $111 million of funding for government motor vehicles to the capital works budget? The government has included the cost of replacing government motor vehicles in the capital works budget. Previously, this expenditure was recorded as recurrent expenditure. As a result, the capital works budget is overstated by $111.3 million in comparison with previous years, and this means that the current government budget is nearly $200 million less than that of the previous government for infrastructure. When quizzed about the issue on ABC Radio this morning, the minister said:

> You're asking me how it's treated for budget purposes. I'm telling you it's a Treasury matter. I don't know and I don't really care. I'm sorry if you think that's bad: I don't really care.

The Hon. P.F. CONLON (Minister for Infrastructure): I could not be more grateful to the member for Bright—or, as I like to think of him, brave Sir Robin—for this question. It is good to see him flinging a question over his shoulder as he scurries off!

The SPEAKER: The minister should answer the question.

The Hon. P.F. CONLON: The numbers that the member for Bright refers to are there because a few years ago we undid a very bad arrangement that was costing us $5 million a year more—that is what I am told—to bring those cars back to our ownership.

The Hon. R.G. Kerin interjecting:

The SPEAKER: The leader is out of order.

The Hon. P.F. CONLON: I am sorry that the member for Bright does not like that, but we use proper accounting standards. Because of that, one of the things we changed from the description of capital in the 2001-02 budget to which the member for Bright refers was the quite improper description, by the previous government, of $120 million operating expenses as capital to pad out their figures. That has now been removed from the figures. So, even if the member was right, we are still $9 million better off in the description.

I am delighted to clear that up for him, and the reason why I do not care how it is described is that I have complete faith in our Treasurer and I know that for the first time in years South Australia does its budget according to proper accounting standards. That is why we have a AAA rating.

Members interjecting:

The SPEAKER: The member for Kavel is out of order.

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright is out of order for interjecting.

TAFE, TRADE SKILLS

Ms BREUER (Giles): My question is to the Minister for Employment, Training and Further Education. Can the minister advise the house on how TAFE is promoting excellence in trade skills?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Giles for her question, and I take this opportunity to acknowledge her support for the government's efforts to meet training demand for skilled workers and for the importance of initiatives that develop and promote trade-based skills, particularly in the regional areas.

On that basis, I am very pleased to acknowledge Mr Lyndon Giles, a lecturer from the TAFE SA Whyalla campus, who has just received the Welding Institute's Ken Travena Statewide Award. The South Australian division of the Welding Institute of Australia presents this award to acknowledge outstanding achievement within the welding and fabrication industry in South Australia. I believe the promotion of excellence within the trades is important to encourage people to take up training and develop their skills, and this award will increase the profile of the training TAFE offers in the trades area, particularly in regional South Australia.

Mr Giles—or 'Farmer', as the Premier quite rightly says and as he is well known—received the award for his work throughout rural and remote South Australia in providing a mobile, one-stop shop training service that specialises in welding and fabrication. The initiative was set up in partnership with regional industry, including BOC Gases, Cigweld and Welding Industries of Australia. This is an excellent initiative and it is interesting, my having been to Whyalla a number of times, to see the response to this fantastic initiative—particularly from young boys, and young Aboriginal boys, in the community. I think that, by introducing that with the local industries, Mr Giles has encouraged a number of people to think seriously about getting into the trades. I would like to congratulate him and say how proud I am that Mr Giles is part of the TAFE team.

LOXTON POLICE STATION

Mr BROKENSHIRE (Mawson): My question is to the Minister for Regional Development, in the absence of the Minister for Police. Given the concerns of local residents with the Loxton Police Station and their preference for the station to remain where it is, why will the government not refurbish the existing establishment instead of relocating it to a shopfront in Drabsch Street?

The Hon. P.F. CONLON (Minister for Infrastructure): On behalf of the Minister for Police, I can say that we will have a look at some of the concerns expressed, as we do with the regions. But can we just get some credit from this sorry mob for what we are doing with regional police stations and courthouses? New courthouses in Berri, Port Lincoln, Port Augusta and Port Pirie; police facilities in Port Lincoln, Mount Barker, Victor Harbor—

Mr BROKENSHIRE: A point of order.

Members interjecting:

The SPEAKER: Order!

Mr BROKENSHIRE: I rise on a point of order under standing order 98. It was a specific question: why will they not listen to the people of Loxton and not relocate it?

The SPEAKER: Order! That is not a point of order. The member will sit down.

Mr BROKENSHIRE: But, sir, we need an answer for the people of Loxton.

The SPEAKER: Order!

Mr BROKENSHIRE: Someone has got to represent them.

The SPEAKER: Order! I will name the member for Mawson if he is not careful. Regarding the point that the member for Mawson made, it is up to the minister—the government of the day—to decide who will answer a question. The minister needs to address the question.

The Hon. P.F. CONLON: I will report the genuine concerns of the member for Mawson about the police station to the police minister, but it is imperative that we place on the record the outstanding performance of this government in delivering new facilities for police and court houses in the regions—something that was never done in 8½ years by the previous government.

The SPEAKER: The minister was debating the question.

BEDFORD INDUSTRIES, TRAINING

Mr SNELLING (Playford): Can the Minister for Employment, Training and Further Education advise the house of any successful partnership arrangements that benefit the disadvantaged, in particular, the disabled?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I would like to thank the member for Playford for this question, and also acknowledge his work in supporting families with dependants who have a disability, as well as some of his constituents who have made representations to him. One of the reasons why I think he has asked me this question is that there has been a fantastic partnership arrangement made with Bedford Industries. Last year, for the first time in Australia, 32 students in supported employment progressed their training to Certificate III. This is a very impressive achievement. The students who participated in the training are employees of Bedford Industries. The charter of Bedford Industries is to help people to be the very best they can be, and training is a very important part of this. I am pleased to acknowledge the excellent work of the staff at Bedford Industries for their commitment to this charter. I also acknowledge the involvement and the tireless work of the staff at TAFE SA at O'Halloran Hill and the Noarlunga campuses. I am very proud to say that they are part of the very impressive TAFE team.

In conjunction with the TAFE workers through the SA Works program, funding was allocated to provide a support worker to assist with teaching and learning. Employees enrolled in the program are achieving remarkable success, with 87 per cent of participants successfully completing units of competency. This result is 7 per cent above the general population and a tribute to the work of the students, Bedford Industries and staff alike. I would particularly like to take this opportunity to make special mention of the fact that the students have done extremely well.

FAMILY AND YOUTH SERVICES

The Hon. I.F. EVANS (Davenport): When will the Minister for Families and Communities respond to my request for the minister to meet with my constituents and me regarding the false findings made against them by FAYS? Following a fight lasting nearly two years, FAYS overturned the findings made against my constituents. I wrote to the minister on 11 February seeking a meeting. I wrote to the minister again on 7 March seeking a response to that request for a meeting. My office emailed the minister's office on 23 March, again seeking a response to my request for a meeting, and the family has requested that I raise the question today.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I will have to check that sequence of events with the honourable member. If it is exactly as he suggests, then I owe him an apology; I should have responded by now. But I must say, from bitter experience, things are not always as they seem with questions from those opposite. I will look into that carefully and give him the response. It seems fashionable now to walk into this house with individual complaints. We had one the other day from the member for Unley.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport has asked his question!

The Hon. J.W. WEATHERILL: I always provide ready and quick access to my office and my staff, to all members of parliament.

Members interjecting:

The Hon. J.W. WEATHERILL: For the benefit of those opposite, there are often limitations about what I can share with members opposite about the nature of the inquiries. That is the nature of the legislation that this house has put in place. Can I say that it does not serve the task of child protection agencies at all to have the implied criticism that is made of them on a routine basis in this place about their professional judgments. What we need from those people is for them to make brave professional judgments about what they should do in the best interests of children. Every now and then there will be consternation about that. Very often we are finding ourselves in the middle of a Family Court tussle over the custody of a child. I would appeal for a little maturity from those opposite about the way in which they bring individual complaints into this chamber. I remain ready, willing and able to communicate with them to the extent that I possibly can about the way in which we handle those individual complaints.

GRIEVANCE DEBATE

PAYROLL TAX

Mr SCALZI (Hartley): I would like to continue speaking about the problem of charitable organisations. Again, I apologise to the house for being disruptive, but I can understand why the Premier is referred to as 'good news Mike 'and 'bad news Rann'. When asked a question about payroll tax, what does he do? He starts off with figures on employment and does not get anywhere near answering the question. As I outlined in my question today, Greening Australia, the RSPCA and the Animal Welfare League have real problems with paying payroll tax, which has become a real burden for them and other charitable organisations.

The SPEAKER: Order! Will other members please show some respect—the member for Goyder and others. The member for Hartley is entitled to be heard without these distractions. The member for Hartley.

Mr SCALZI: Thank you, Mr Speaker. These three organisations must pay payroll tax which, in South Australia, is levied at 5.67 per cent when wages paid exceed $42 000 per month or $504 000 per annum. Public benevolent institutions are exempt. However, these organisations do not have PBI status as the definition of 'benevolence' is limited to the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness, but not the advancement of education, according to the Treasurer.

Non-profit organisations providing services to the community in areas such as the environment or animal protection rather than for people get no exemptions from payroll tax as they do in other states; and, may I say, the other states are all Labor states. I am advised that South Australia is the only state where Greening Australia is liable for payroll tax. Western Australia, Victoria, the ACT and New South Wales give exemption to all registered charities. The Northern Territory has amended payroll tax act regulations to exempt environmental organisations working with state or federal programs. In Tasmania, Greening Australia is simply below the threshold.

Similarly, the RSPCA (South Australia) is the only RSPCA in Australia which is levied with payroll tax. It appears that South Australia uses a particularly narrow definition of PBI to rule on payroll tax liability, which is now out of step with the rest of Australia. Ironically, although attracting over $5 million of federal funding on South Australian environmental issues, Greening Australia receives no exemptions, while the Chief Executive of Greening Australia, Mr Anderson, observes that Ozjet has been offered a reported $6 million in payroll tax exemption to set up in Adelaide.

Mr Anderson has lobbied government for the past two years. Greening Australia first became aware of payroll tax liability during the 2002-03 financial year (owed since 1999). He claims that this situation disadvantages operations in South Australia and that there are many national functions, such as the National Training Facility, that could be delivered through the SA office. The additional tax burden means that Greening South Australia cannot attract these activities. He specifically mentions federally funded Green Corps (Greening Australia in conjunction with Anglicare), which gives 17 to 20 year olds experience on environmental projects and creates employment prospects; and the Youth Conservation Corps (again with Anglicare).

Payroll tax liability reduces the effectiveness of such community services by 5.6 per cent and is, in effect, double dipping. Funds have been raised for such programs by the taxpayer's dollar, and payroll tax in such cases is a tax on tax. The shadow treasurer has pointed out that 'Even with the payroll tax "cut" for business this year, payroll tax collections will actually be $13 million higher than last year.' This is quite apart from the huge hikes in revenue associated with state property-based taxation revenue, including land tax and stamp duty—which, incidentally, Greening Australia, RSPCA and Animal Welfare League—

Time expired.

BROADBAND, TELSTRA SERVICES

Mrs GERAGHTY (Torrens): A significant—and I have to say 'significant'—number of my constituents who live in Oakden, and perhaps a smaller number who live in Northgate, have experienced and continue to experience great difficulties in obtaining ADSL services, and I was very interested to note one of the questions today. In some cases residents have waited for more than two years for upgrade work to be done and continue to face uncertainty as to when they might expect these upgrades. Last year, residents of Northgate benefited from upgrade work performed by Telstra, which enabled most of the suburb. Unfortunately, the work did not cover the whole suburb and a number of residents remain without this access.

Taking into account the concerns that have been raised by these residents, as well as residents in Oakden, I worked in conjunction with some of my constituents to distribute notices allowing people to register their demand, and have forwarded these notices on their behalf. Out of an approximate 1 000 notices that were sent out, some 115 were returned and over 10 per cent of residents letter-boxed indicated that they wanted ADSL services. Interestingly, some of these notices were accompanied by brief letters describing the residents' frustration at Telstra's inability to give them a definite date for any upgrade.

Whilst a figure of 115 notices may not seem incredibly high at first glance, it should be placed in context. When Telstra wished to gauge the demand in Northgate for ADSL services last year, some 700 notices were sent out with around about 25 per cent of them being returned. At the time Telstra stated that the response by 175 residents was the highest ever demand recorded and immediately commenced rolling out ADSL services to the area. The Oakden Residents' Association also circulated copies of the notice in its recent newsletter, which saw an additional 15 notices returned for a total of 130 unique responses from residents. This response (certainly not the highest demand but nonetheless comparable) not only did not warrant Telstra's acting immediately, as per the case of Northgate, but it did not even see it meet the 2005 mid-year rollout date of which it had initially informed residents and myself. It was the intention, upon receiving advice from Telstra, that these notices would assist in bringing about the upgrades sooner than that mid-year date.

Upon receipt of the notices, a Telstra spokesperson advised it was unlikely the upgrade would be brought forward, given that there was a scheduled date for that to occur. At present the majority of Oakden has no scheduled date for the upgrade. While Telstra may have reasons for providing conflicting information, this certainly does not provide my constituents with any degree of certainty. Recently, I was contacted by a constituent who lives in Oakden and wants to access ADSL for work reasons. His company was informed by Telstra Corporate Services that there is insufficient demand in Oakden to warrant an upgrade of the area and that, as we already know, there is no scheduled date nor any intention to provide one in the near future. This lack of knowledge on the part of Telstra is particularly galling given that the demand is clearly there and comparable to the highest demand they have received from a public notice.

Telstra have been provided with a clear indication of the level of demand within the area. Unfortunately, this does not seem to have been communicated to other parts of the organisation. Added to this, many of my constituents have said to me that they have been informed that they can access ADSL on the Telstra web site despite the fact that their street is not enabled. Also, there are those who have purchased expensive equipment only to be told that ADSL access is

unavailable on their phone line. What I believe most people object to is the continued lack of certainty and the seeming inability on the part of Telstra to provide consistent information or a uniform set of standards for the provision of ADSL services. Similarly, advice by Telstra to register demand by the public notice process seems not to follow any set criteria, and there are significant discrepancies between the response to the demand in the majority of Northgate and that registered by the remainder of Northgate and Oakden which still remains without access.

Time expired.

LIGHT, ELECTORATE

The Hon. M.R. BUCKBY (Light): I rise today to grieve about two matters. The first concerns a problem that a constituent of mine has encountered through accepting clean fill on a section of land owned by him adjacent to the Gawler River. The second is to remind the government in its upcoming budget decisions about the need for a solid building at the Roseworthy Primary School.

Regarding the first issue, my constituent owns a section of land which abuts the Gawler River. He entered into a contract with a demolition company to have clean fill delivered to this site. He does not live on this piece of property, but he accepted in good faith the legal agreement that he had with the demolition company to deliver clean fill. Some time after the commencement of the operations he was contacted by the EPA who advised him that about 15 tonnes of what they considered to be waste had been dumped on this land. My constituent has spent the last two years working with the EPA and now in the courts to establish what sort of a fine he might be given because this waste was placed on his land next to the Gawler River.

This situation is difficult for my constituent. He entered into an agreement in good faith. He believed the demolition contractor would be honest and deliver clean fill to the site. Unfortunately, the demolition contractor has now been caught out. Initially, the EPA wanted 30 tonnes of fill removed at my constituent's expense. However, a few weeks ago they agreed that a clay cover of half a metre to cap the site might be acceptable. My constituent had a look at the Environment Protection Act and noted an anomaly. The act provides that any more than seven tonnes of fill is deemed to be waste. Whether it is clean fill or not, it is deemed to be waste. My constituent lives not far from the Sturt Highway. He has commented to me that the amount of overburden that has been taken away from the passing lanes that have been constructed on the Sturt Highway by the government would amount to far more than seven tonnes and that, if we are to abide by this provision in the act, it should really be deemed to be waste.

The farmers who are accepting this overburden either to fill dams or for whatever purpose may well be laying themselves open to legal ramifications if the EPA wants to go down the path of sticking strictly to the law. That is something that needs to be looked at. My constituent is an extremely honest man, and I believe that it is very unfortunate that the contractor with whom he was dealing has basically not been honest with him and that he is now having to go through this court procedure with the EPA, all unbeknown to him that waste was being placed in the area alongside the Gawler River rather than clean fill as he had determined, which is particularly disappointing.

In the last minute available to me, I remind the government of the Roseworthy Primary School and the fact that there is no solid building on the site. This is an area which is growing in population and I call on both the Treasurer and the Minister for Education and Children's Services to address this issue in their capital works budget. When I say that there is no solid building on the site, I am slightly wrong. The only solid building is a block of outside toilets. The transportable building on the site is particularly unsuitable. It is very difficult to use as it is split into four sections, one section being the library and one being administration, and people are walking in and out and disrupting areas within the school.

CHILDCARE CENTRES

Ms RANKINE (Wright): I advised the house yesterday about the glee with which the federal government's inaction in relation to funding new community-based childcare centres has been received and capitalised on by large private companies. I finished yesterday explaining that money spent by the federal government on child care had increased over recent years, but questioned where that money is going. My concern is that the vast majority of this money is finding its way into private companies and that they may not be the most appropriate groups to be in charge of the early years of so many of our young children. As Dr Joy Goodfellow, the Honorary Associate Professor at Macquarie University says:

> . . . humanistic perspectives on child care. . . are underpinned by a child and family focused orientation. . . However, a business oriented view to child care provision focuses on the parent as a consumer; a concern for cost: and a return on investment.

In other words, these companies are in it for profit. They are there to maximise returns to shareholders. Thus, when a decision is to be made on certain matters, it is not on what is good for children, but rather what is good for the bottom line profit that will determine the company's response.

We have to start asking whether that is what we want. At the most critical stage of a child's life (and I am very serious about that statement) do we want profit to be the motivating factor governing their care? Let us be clear: private does not equate to better; private does not equate to higher quality: private equates to a very different focus. This brings into question the quality of care that many of our young children are receiving. Let us look at the drive to lower wage costs, for example. In not-for-profit childcare centres wages represent 80 per cent of costs, while in private childcare centres the aim is to reduce wages to under 50 per cent of costs. The one effect of this has been a large increase in the casualisation of the childcare work force.

Dr Goodfellow points out that this casualisation results in discontinuity of service provision and the disruption to adult-child relationships, which is one of the key quality experiences for young children. In other words, the connection between the carer and the child, which is critical to quality experiences, is determined not by what is best for the child but what is best for the profit of the company—and they do not miss an opportunity to make a quick quid. A report in *The Tamworth Northern Daily Leader* advised that at one ABC centre parents pay even when the centre is closed on Good Friday. One parent, a Mrs Worley, said: 'It's just a rip off, but they have parents over a barrel.' Or, as an article in *The Age* on Tuesday states:

> . . . reports of babies going for long periods without nappy changes, and grass at some centres being replaced by artificial turf so gardeners are not needed—

because—

The profit motive is so deeply ingrained. . . in child care that it compromises quality. . .

Then what happens if the profit starts to decline? A good illustration comes from Hutchinson's Child Care Services that recently reported a lower projected profit. As the share price dropped 23 per cent, the company outlined its strategy to halt the decline in profits. It would undergo a strategy to increase occupancy, including increasing its marketing activities, and implement HR initiatives, including flexible working arrangements for centre staff. There is nothing about children, just occupancy as if it is a motel or hotel; nothing about improving quality services; nothing about lifting staff morale. It is simply a bottom line response that is essentially code for more staff casualisation—probably the worst thing for children. A self-proclaimed family-friendly federal government in fact oversees a program that has profit, not care of children, as its overriding modus operandi. The crisis for parents is not only to find an actual place for their child but also to be reassured of the quality of that care when they find it.

What is needed to tackle this multifaceted crisis in child care in Australia? Firstly, we need a clear recognition of the crucial role of staff in providing quality standards; secondly, we need the reinstatement of funding for the establishment of community-based child-care facilities; and, finally, we need a system that places a far greater emphasis on the quality of child care, not just child minding and profit making. The federal government plays a pivotal role here. It provides the money, so it makes the rules. I call on the federal government to reverse its current policy, reinstate funding for new not-for-profit child-care centres and institute a system where funding is contingent upon the providers ensuring they have quality child care as their primary rationale for operating.

Time expired.

OAKBANK RACING CARNIVAL

Mr GOLDSWORTHY (Kavel): Mr Speaker, I, too, join with my colleagues in this house to congratulate you formally on your appointment as chair of the house. I always have real pleasure and take a great deal of pride in highlighting events that occur in the electorate of Kavel, none more so than the Oakbank Easter race meeting which occurs in the Oakbank township. With my wife I have attended the race meeting over the past three years. We have become members of the Oakbank Racing Club, even though members of parliament are issued with passes to both the Saturday and Monday race days. I think it is important that, as a good local representative, one joins and supports sporting and community organisations within their electorate. I certainly look to do that so I joined the Oakbank Racing Club.

I congratulate and commend the committee of the racing club. The chairman Mr John Glatz is a resident of the hills district. He is a farmer, and he and his wife live on a property between Woodside and Nairne. I have visited their property once or twice to discuss specific issues. The racing club itself is well served by the chairmanship of Mr Glatz and the committee. Some high profile South Australians form part of that committee. Frances Nelson QC, a member of that committee, is a well-known South Australian who serves the state well as Chairman the Parole Board. We have seen the government take certain stances in its treatment of Ms Nelson, but, nevertheless, that lady serves the racing club and the hills community very well.

As we all know, the Oakbank race meeting is the largest picnic race meeting in the world, and I think that is something of which we all should be very proud, not only here in this place but also as a nation; that the hills community can hold an iconic event such as it does. It is a weekend for the trainers, the jockeys, the owners and the horses, obviously, but the event is broader than that. It is actually a festival that showcases what the Adelaide Hills can offer. My wife Tracy and I were very pleased to be hosted by the Hon. David Wotton, a well-known retired member of this place, at a lunch that the Adelaide Hills tourist organisation provided. There were a number of invited guests from local government areas and people who provide a very high standard of food and wine from the Adelaide Hills region. My wife and I enjoyed what the Adelaide Hills is becoming increasingly known for, and that is its premium wine and the food it produces at the local level. We have certainly enjoyed some tremendous wine and a whole range of food at—

Mr Caica: Did you back a winner?

Mr GOLDSWORTHY: Unfortunately, I didn't. I'm not a huge gambling man, although I did have a bet on the Great Eastern, but it ran a miserable fourth. But never mind: we don't dwell on these things. The event primarily involves horse racing but it does look to benefit the state more broadly. Obviously, food and wine is one of those areas, but there are also the tremendous tourism opportunities that the Adelaide Hills region provides.

RAY STREET, FINDON

Mr CAICA (Colton): I wish to raise an issue that affects my constituents, specifically those who live in the Findon area adjacent to the site known as the old Ray Street dump. This site operated as a dump for domestic and industrial waste in the 1960s and the 1970s. It ceased being used for dumping in 1973 and subsequently was used by the local council to stockpile soil and road material. The site had been a source of many complaints over an extended period of time with respect to the very nature of the dump site, with vermin and the like. There was, therefore, a degree of pleasure from the local residents' perspective when the local council looked at regenerating that area for urban redevelopment.

In January 2000 the City of Charles Sturt received expressions of interest for the rehabilitation of the site, and in April 2000 a company called Epic 2000 was appointed as the council's preferred partner. Council's note to residents dated May 2000 stated that the evaluation panel was highly impressed by the firm's approach to environmental rehabilitation, and I will touch on that point a little later. In August 2001 a letter from the City of Charles Sturt to the EPA amongst other things clarified that the Ray Street project was no longer a joint venture with the developer and, as a consequence, this removed all the risk involved in the project for the council.

What specific risk the council refers to there, I am not quite sure, whether it was the risk if anything went wrong with respect to the financial side or whether or not it removed the risk of any complaints the council might receive from local residents. Epic then wrote to the local residents in November 2001 and, amongst other things, informed them that, in line with proper environmental management and practices, it would develop an environmental management and traffic management plan to ensure that the right proced-

ures and practices were adopted, minimising potential nuisance to surrounding neighbours and businesses.

That was in November 2001, and I now jump to nearly the present time. Since being elected as member for the wonderful electorate of Colton, I have received numerous complaints from the people living adjacent to and near the Ray Street dump. Those complaints specifically focused on—

The Hon. I.F. Evans: Stop doorknocking, then!

Mr CAICA: I like doorknocking there, mate, and they like me! The main concerns related to dust emanating from exposed mounds of dirt, which are too high, and sifting or trammelling, that is, the process by which the dirt would be sifted on the site. In fact, it is quite an innovative process, where the dirt will be sifted on the site, left there and reused. However, I am not quite sure how good a corporate citizen Epic has been with respect to addressing some of the issues that have been raised by the residents there: that is, when issues have been raised they have actually been brought kicking and screaming to make a difference.

The main point I want to make is that people in this house and beyond often suggest that the EPA is extremely heavy-handed when it deals with members of the community and other businesses: that is, they do not relate to the organisations or the community, they do not take certain circumstances into account when making their decisions, and they rule with an iron fist. At the other end of the spectrum, depending on whether a project is licensed or not, they are perceived by the people in the particular areas as being nothing other than toothless tigers. So, far from being the lion that roars on occasions, there are other occasions—particularly where it relates to the Ray Street dump. Despite the fact that Epic has an environmental management plan—aspects of environmental management plans seem to be more guidelines than anything else. On one hand, the council says that it cannot do anything because it is an EPA issue, and the EPA says it cannot do anything about it because it is not a licensed site, and, as such, they can only provide guidelines.

To a great extent it has been a nonsense, so I would strongly urge Epic to become a good corporate citizen and to ensure that the issues contained within the environmental management plan are followed so that my constituents, whom I enjoy door-knocking, have their lives made somewhat easier than has been the case with respect to dust and other issues that relate to this particular site. On a final point, the Charles Sturt Council has been trying to facilitate meetings with Epic and in their recent report to council it says that despite numerous attempts to contact the developer over the past two weeks there has been no response or acknowledgement of council's attempts to set up the meeting. He will no doubt contact us in due course and the meeting will take place. This, in essence, sums up the situation.

Time expired.

MEMBER'S LEAVE

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I move:

That the member for Davenport, the Hon. I.F. Evans, be granted leave of absence from 11 to 14 April to attend to Commonwealth Parliamentary Association business in New South Wales.

Motion carried.

STATUTES AMENDMENT (ENVIRONMENT AND CONSERVATION PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 2 March. Page 1844.)

The Hon. I.F. EVANS (Davenport): I rise as the opposition's lead speaker in relation to this bill and I suspect that, given the nature of the bill, I will be the only speaker from the opposition because the bill is very much what the house would call a 'rats and mice' bill. It deals with six or seven issues that are generally related to the environment and conservation portfolio but which are not really related to each other, and I will quickly run through them.

The minister will be relieved to know that we are supporting the bill—and, yes, the minister is relieved in a number of ways in respect of that! The first issue it deals with is the Historic Shipwreck Act 1981, and the change the bill makes in relation to that is simply to change the operation of the bill so that when an historic shipwreck reaches 75 years of age it is automatically covered by the Historic Shipwrecks Act. So, there is no decision to be made by anyone: it automatically applies. Then there are the existing provisions in the Historic Shipwrecks Act which then apply to that particular shipwreck.

Importantly, this brings the state provision into line with the commonwealth provision so that all shipwrecks are treated equally—a very important matter of concern to all of us—but I think it makes sense to have some uniformity. So, the house can see that changes to the Historic Shipwreck Act as proposed are minor indeed. The amendments also provide more certainty, I guess, for the community, better clarity for developers and, as the minister's second reading contribution suggests, greater uniformity across Australia, because all states have a 75-year rule except for New South Wales, which I am sure the minister recalls has a 50-year rule.

The Hon. J.D. Hill: I think that is in the back of my mind somewhere.

The Hon. I.F. EVANS: So, the minister might want to take that up at the next meeting of the ministers for historical shipwrecks national meeting to see whether we can bring New South Wales into line.

The Hon. J.D. Hill: I think that that is in South America somewhere.

The Hon. I.F. EVANS: There are some minor amendments to the National Parks and Wildlife Act. The minister seeks to extend the period in which he has to lay on the table in the parliament the annual reports of such important bodies as the National Parks and Wildlife Council and the advisory committees. Currently, there is a six day time period. The minister seeks more time to read and comprehend these extensive reports, and so he wishes to extend it to 12 sitting days and, given that there is a defined period—that is, 12 days—we do not object to that. In fact, I would personally recommend to the government that it go through all the acts and standardise the date, because for every report there is a different period or procedure for tabling, and I think that all legislation should provide that all annual reports will be tabled 12 days after the minister receives them. That would make it far easier for everyone to understand the process rather than having to look up every act to check what it provides.

There are also some minor changes to the powers of the Director of National Parks and Wildlife. Essentially, they will give the director the power to delegate any of the director's

powers under the act and will allow for more effective and responsible administration of the act. There is a slight amendment to the regulation-making power in the act, and there is also an amendment to remove some uncertainties in relation to penalties for the contravention of permits under the act. The penalties are to be unified. Currently, two penalties apply to breaches in relation to permits, and uniformity is sought so that there is one penalty that applies. The government has chosen the higher penalty, which is its right and which is in keeping with its traditional approach of having high penalties in all its acts.

There are changes to the Natural Resource Management Act, and the Water Resources Act, and this is probably the most controversial part in the whole bill. The government needs these amendments to the Natural Resource Management Act and the Water Resources Act—as I understand the briefing given to me by the minister's agency—because the agency failed to gazette or sign off on a process to set the penalty for people who use excess water during this financial year. Given the way in which the current legislation is written, because no penalty relating to a date has been set, no penalty exists. So there is much embarrassment to the government; some people are now using excess water and no penalty can be applied. The government has had to propose this amendment to apply a penalty to those people who are currently using excess water. The opposition could play more politics with this and say, 'We are not going to support retrospective legislation into this matter.'

The Hon. J.D. Hill interjecting:

The Hon. I.F. EVANS: It would, because you cannot apply the penalty. The only way you can apply the penalty for the retrospective breach is if we pass the bill today. That is the way that I understood the brief; and, in that sense, it is retrospective. We recognise that the parliament and the community would expect that people who are in technical breach of the water regulation and who are using excess water should suffer the penalty. Therefore, we will be supporting the amendments to the NRM bill through this portfolio bill and to the Water Resources Act, so that if at any time in the future (including this year) the minister or his agency fails to set a penalty, the penalty that applies is the penalty that was in existence the year before.

In that way, if the agency or the minister again slips up the penalty at least will apply, and we will not have to go through this charade again. I would encourage the minister to put a process in place so that the agency does apply the penalty each year. I am sure that the minister has it noted in his diary next to the date for sending out his Christmas cards and the like. I did ask two questions specifically in the briefing in regard to this matter. The minister has written to me with respect to questions I raised on the next bill, but he did not reply with respect to the questions I raised on this bill. From memory, the questions were: when did the agency write to the minister seeking his approval for the penalty; and, when did the minister sign off on it?

They were the tenor of the questions. We will be supporting the amendments in relation to NRM and water resources. There are very minor amendments to the Pastoral Land Management and Conservation Act, which are to do with the constitution of the Pastoral Land Management Fund. What the agency has recommended to the ministers (and to which the minister has agreed) is that the bill be amended to reflect the reality that the rent paid for pastoral leases (minus the associated administration costs) usually reflect in a deficit and therefore rarely contribute to the fund.

The bill also proposes an amendment relating to the functions of the board. This amendment will enable the board to perform functions assigned to the board under the act in addition to the Pastoral Land Management and Conservation Act 1989 (provisions in the Native Vegetation Act would be an example). There are also minor amendments to the Radiation Protection and Control Act. The government transferred the responsibility for radiation protection and control from the health portfolio to the Environment Protection Authority, and that has resulted in some consequential amendments that are required to the act.

Additionally, an amendment to the long title of the act is proposed; so one can see that the amendments to the Radiation Protection and Control Act are generally minor in nature. There are also amendments to the Wilderness Protection Act, which go to the issue of the criteria used to establish the membership of the Wilderness Advisory Council. The government would argue that what it is doing is simply updating the qualifications that are required to determine the membership of the Wilderness Advisory Committee to reflect modern practice. They also allow the Director of National Parks and Wildlife the power to delegate any of the director's powers under the act. That is also part of that particular process. I think that I might have missed the amendments to the Native Vegetation Act, which is the last topic covered by the bill.

Currently, under the Native Vegetation Act the Native Vegetation Council must, if consenting to an application for permission to remove native vegetation, attach to the consent a condition—it has no discretion not to attach a condition to the consent. The minister seeks to introduce a limited discretion so that, in certain circumstances, the Native Vegetation Council will not have to attach a condition to the consent if in the opinion of the council the proposed clearance will not result in the loss of biodiversity. The council in doing that must first be satisfied that the attachment of a condition would place an undue burden on the land holder. These conditions will provide for a more efficient use of the act while still ensuring the conservation, protection and enhancement of native vegetation of the state.

So it is a rats and mice bill covering a whole range of topics and acts within the environment and conservation portfolio. Apart from the embarrassment to the government of failing to put in place penalties—and I think it was $1 million in penalties, from memory, that the government was going to miss out on (I do not know how much water in excess of the allowances that was, but it must have been a fair bucket of water to suffer $1 million in penalty)—the government is really just making minor administrative changes, and we are supportive of the bill.

Mr HANNA (Mitchell): I make some brief comments on behalf of the Greens in respect of the Statutes Amendment (Environment and Conservation) Bill. There are various changes to various acts. This type of portfolio bill is known around here as a rats and mice bill because it has a small effect in a variety of different places. The one particular concern I would like to raise is in respect of native vegetation clearance. I see that there are some protections built into the new proposed process but, at the same time, it does arguably make it easier to clear native vegetation. So I have a query. If it is answered I would not see any need to go into consideration of the bill in detail in a committee stage. The query I have of the minister—

The Hon. J.D. Hill interjecting:

Mr HANNA: The minister is asking me to refer to a particular clause. It is clause 25. I put the scenario where there is a stand of 100 old gum trees and the farmer says, 'I want to get rid of half of those so I can put in a new crop. I am going to suffer hardship if I cannot put in a crop and use that space.' There will not be a loss of biodiversity because there are still 50 trees for the birds to visit, instead of 100, so the farmer says to the Native Vegetation Council, 'Please give me clearance on that basis.' Can the minister respond to that type of scenario and, more generally, the concern that this actually makes it easier for valuable native vegetation to be cleared?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the members who spoke in this debate for their contributions. I particularly thank the opposition for indicating its support. As both the speakers said, this is a rats and mice piece of legislation. The idea for this was suggested to me by the head of the Department of Water, Land and Biodiversity Conservation, Mr Rob Freeman, who comes from Queensland, and he said they do this kind of thing more regularly up there, and I thought it was a sensible way of dealing with some minor amendments in a lot of bits of legislation which otherwise would not have been dealt with until the legislation was opened up for some other purpose.

So, we asked the agencies within my portfolio what matters were around, and these are the things that came forward. As both members said, they are of a fairly minor and inconsequential nature. Two issues have been raised by members, and I will deal with those. I do not believe that either of them is controversial, but I am happy to answer their questions. The member for Davenport, with reference to the NRM legislation, asked about the requirement for the government to set on an annual basis the rate of the fine for licensed landholders who illegally take water. He is correct, there was a stuff-up—not to put too fine a point on it—in the way this matter was handled. From memory, the file came to my office from the department on 1 December. So, it came in relatively late, and it had to be gazetted by the end of December. My office dealt with the file in the normal way. It was reviewed by various officers and advice was presented to me on 23 December. I signed the approval on 23 December, but it was too late to get it into the last gazette for the year.

It was an unfortunate set of circumstances. I have not tried to hide that fact. I said to my officers that when they briefed the opposition they should make it plain to the honourable member why we were doing this. Apart from whatever embarrassment might apply to the error, it is still a relatively inconsequential amendment. It makes good sense from a policy point of view to have some sort of a back-up system if this happens in the future. I am pleased the opposition has agreed to support this, because we would not want to send a message to water users that it would be okay for the next 12 months to steal water. That would give them licence to do so. It will not be retrospective, because the fines do not go out until the end of the financial year.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Well, it's true. The fines will not go out until the end of the financial year, so we won't know who steals water until 1 July on next year. We will be saying that the rate at which you will be fined for that taking of water will be a figure that applied in the year before. That answers that question.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Apparently, that is based on the average of what has been taken over the previous years. I think it is $800 to $1 million or thereabouts. In a dry year you would probably have more illegal taking of water than you would in a wet year.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Well, they probably don't need to take it in a wet year. The member for Mitchell asked a question about native vegetation. He cited the example of the clearance of 50 trees out of 100. This certainly would not apply to that circumstance. Let me read from my briefing notes. Currently, under section 29 of the Native Vegetation Act the Native Vegetation Council, when giving approval for the clearance of native vegetation, must be satisfied that a significant environmental benefit will be achieved through the clearance process. Given that the Native Vegetation Council gives approvals ranging from a limb to a few hectares—

Members interjecting:

The Hon. J.D. HILL: I just want to make sure that the member hears the answer.

Mr Hanna interjecting:

The Hon. J.D. HILL: They do have privilege. Given that the Native Vegetation Council gives approvals ranging from a limb to a few hectares, some flexibility to attaching such a condition is required, especially in instances when the loss of biodiversity is minor or insignificant and the attachment of such a condition would only burden the landholder with no real benefits for the environment. An example may be the lopping of a single limb from a tree to allow passage of a vehicle.

The amendment was approved by the government on the condition that, after the Statutes Amendment (Environment and Conservation) Act 2005 has been proclaimed, the Native Vegetation Council will begin to develop draft guidelines that determine the circumstances where an environmental benefit is not required under the Native Vegetation Act 1991 and will undertake consultation with all prescribed bodies as per section 25 of the act. I hope that explains the position. This is for the very trivial examples of what could be called clearance: the taking of a limb and so on.

I also indicate that the government has a couple of amendments of a very minor nature, two of which are to include in the definition of 'biological diversity' the word 'biodiversity'. The member for Davenport may recall asking me a question about the difference between 'biological diversity' and 'biodiversity' about a year ago. I explained to him at the time that there was no difference between 'biological diversity' and 'biodiversity', and this legislative change makes that clear. The third amendment relates to clause 35. Clause 35 is another annual report of I think the Radiation Protection Committee. The original amendment was that the minister must cause a copy of the report of the department to be laid before each house of parliament as soon as practicable after the minister receives the report. That is the point that the member for Davenport made. When I read through my notes the other day, I noted the difference between this and the other change, and I thought it would be sensible to make them consistent. So, I want to amend that to make it 12 sitting days.

The Hon. I.F. Evans: So, all the amendments are in response to opposition pressure?

The Hon. J.D. HILL: I hardly think it was pressure. I could not have foreseen your comment about the 12 sitting days. I saw the same thing myself a few days ago. When we

go into committee we will need to deal with these minor matters. I thank those members who participated in the debate.

The Hon. I.F. EVANS: On a point of order, Mr Deputy Speaker, in answering the member for Mitchell's question the minister said, 'I will quote from my briefing notes' and then proceeded to do that. I ask your ruling on whether that means the minister is required to table the briefing notes, if requested, and I request the minister to do so.

The DEPUTY SPEAKER: I do not think briefing notes would constitute a docket.

Members interjecting:

The DEPUTY SPEAKER: Order! The notes which are specifically drafted for a minister's use in the parliament do not constitute dockets.

Mr HANNA: Mr Deputy Speaker, I rise on a point of order. Did you say that briefing notes do not constitute a docket?

The DEPUTY SPEAKER: Briefing notes that have been specifically drafted for a minister for use in a parliament, in this case briefing for a bill, do not constitute government dockets. Yes, that is my ruling.

Mr HANNA: I am not disputing that ruling. My point of order is that the member for Davenport's question has not been answered. The member for Davenport, as I understand it, is not asking for the production of the docket, he is asking for production of the document from which the minister was reading. The minister acknowledged that he was reading from a document. As I understand it, upon request, that should be tabled.

The DEPUTY SPEAKER: From what I understand, the minister has said he was reading from the briefing documents that had been prepared for him as part of the bill. Those briefing documents are not government dockets.

Mr HANNA: If I can correct that.

The DEPUTY SPEAKER: Sorry, you cannot. You can move dissent in the chair.

Mr HANNA: I can refer you to what was said as a point of order. The minister referred to the document from which he was reading as a briefing note. I seek your ruling that no particular privilege applies to that which prevents it from being tabled upon request by another member, after the minister has acknowledged that the minister was reading from the document.

The DEPUTY SPEAKER: The minister can table whatever he wants, but he is not required to because it is not a government document. A briefing note prepared for the minister for use in the house as part of his preparation for a bill does not constitute a government document.

Mr HANNA: Mr Deputy Speaker, can you clarify what is the relevance of whether it is a government document, a private document, a scrap of paper, or whatever? What difference does that make, sir? I refer you to the rulings of President Roberts yesterday in the Legislative Council.

The DEPUTY SPEAKER: My advice is that we are not bound by the precedent set by the presiding officer in another place. The previous speaker has ruled as to what constitutes a government document and what does not, and briefing notes are not a government document. The relevance of that is that when a minister quotes from a government document, he is required to table it. That is the relevance. The minister is not quoting from a government document, he is quoting from a briefing paper that has been prepared for him. He is not required to table it.

Mr HANNA: Is it your ruling then that, in the circumstances where a minister reads from a document and another member insists that that document be tabled, such a requirement would only persist if it was a government document?

The DEPUTY SPEAKER: Exactly; that is my ruling and that is consistent with the rulings of the previous speaker.

The Hon. J.D. HILL: Mr Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER: Minister, I do not want to get bogged down in dialogue.

Mr HANNA: It is a very important point because we have had letters read out in this place before and they have been tabled. They are not government documents.

The DEPUTY SPEAKER: That is different.

Mr HANNA: I do not want a ruling but to say that only government documents can be tabled, I think that is wrong.

The DEPUTY SPEAKER: First, I am Deputy Speaker and if the honourable member really wants to get into this in a big way, he should raise it with the Speaker and we can debate it. I am giving rulings on advice from the Clerk as to what previous speakers have ruled regarding what is and what is not a government document. If the minister has something helpful to add, then by all means.

The Hon. J.D. HILL: I do; I think I have something helpful to add which might explain it to the member and the house. The reason why a government document has to be tabled is so that a minister cannot lie to the house and say that he has a document from person X or whatever that says one thing and then the tabling of it reveals that it says something else. A note prepared for a speech is just that, and that is what I read from. It is not a critical document which has been prepared for some other purpose but which I am referring to in debate. It is something that has been prepared for this specific purpose to help me address the honourable member's question. I own the material and I am responsible for what I say based on these notes. It is not something that has been used for cabinet purposes, to make a decision, or something of that order. It would be similar to your notes when you are appearing in a trial; that is, you write down notes to help yourself when you are making presentations before a court.

The DEPUTY SPEAKER: My sentiments exactly. Thank you, minister.

Bill read a second time.

In committee.

Clauses 1 to 24 passed.

New clause 24A.

The Hon. J.D. HILL: I move:

Page 8, after line 7—
Before clause 25 insert:
24A—Amendment of section 3—Interpretation
Section 3(1), definition of biological diversity—delete the definition and substitute:
biological diversity or biodiversity means the variety of life forms represented by plants, animals and other organisms and micro-organisms, the genes that they contain, and the ecosystems and ecosystem processes of which they form a part;

As I indicated during the second reading speech, this clarifies the meaning of biological diversity.

New clause inserted.

Clause 25 passed.

New clause 25A.

The Hon. J.D. HILL: I move:

Page 8, after line 20—
Before clause 26 insert:
25A—Amendment of section 3—Interpretation

Section 3(1), definition of biological diversity—after the defined term insert:

or biodiversity

I make the same point I made earlier in terms of the definition of biological diversity.

New clause inserted.

Clauses 26 to 34 passed.

Clause 35.

The Hon. J.D. HILL: I move:

Page 10, line 6—
Delete 'as soon as practicable' and substitute:
within 12 sitting days

I gave reasons for this amendment earlier.

Amendment carried; clause as amended passed.

Clauses 36 and 37 passed.

Clause 38.

The Hon. I.F. EVANS: By agreeing to this amendment to the Water Resources Act, what we are doing is putting in a fail-safe fall-back position for the department and the minister. If they again fail to gazette or register the penalty, at least they have some penalty to charge. The danger is that, if the department has missed it once, there is a good chance it will miss it again. Ultimately, the penalty could become out of date, because the old penalty sits there until a new one is registered or gazetted. I am interested in the procedure the government has put in place to ensure that the penalty regime is reviewed each year and, if considered appropriate, a new penalty is set each year, rather than just leaving the old penalty position in place. This gives the department a fall-back position so it never has to worry about setting a penalty, because one is already existing. At least under the old system this brought it to everyone's attention, because the department realised it would miss out on $1 million worth of revenue through the loss of penalty; so it acted. Essentially, we are giving them a fail-safe position. I am interested in the process the minister has put in place to guarantee that the penalty will be reviewed and set each year.

The Hon. J.D. HILL: There was a system in place. It broke down for a couple of reasons. First, it came into my office a little late in the year and was processed perhaps more slowly than it ought to have been. The language in the file did not have what might be called a 'red hand pointing at it' and saying, 'You must do this.' It was in the text of the file. We are making arrangements to ensure that, when this matter comes before us again, it is clearly identified and there are bolder statements to indicate that it must be treated with some urgency by a particular date. I think the normal diarising process will work well. I am absolutely convinced that the department will not make some mistake again.

Clause passed.

Remaining clauses (39 to 48) passed.

Schedule 1.

The Hon. J.D. HILL: I take this opportunity to thank those who helped to prepare this legislation. I thank Richard Ewart, the parliamentary counsel, Stevie Austin, Julie Mrotek and Jason Irving, in particular, for the help they have given me; and other departmental officers who have been involved.

Schedule passed.

Remaining schedules (2 to 7) and title passed.

Bill reported with amendments.

Bill read a third time and passed.

HERITAGE (HERITAGE DIRECTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 2041.)

The Hon. I.F. EVANS (Davenport): I rise to speak on this bill and indicate that I am the lead speaker for the opposition. This is the first tranche of what will be a couple of bites that the government is having to reform the administration of heritage matters in general. The second stage will be the sustainable development bill—assuming the government still proceeds with that bill. This bill tends to concentrate on matters of state heritage significance, whereas the sustainable development bill tends to focus on matters of local heritage significance, although there are very few minor overlaps that occur in this bill into the local heritage matters.

Generally, the opposition does not oppose what the government is suggesting in the bill, although there are a couple of areas where we do have concerns. I thank the minister and his officers for an informative briefing on the bill earlier this week. The minister has since written to me outlining a series of answers to some of the queries raised during that briefing. The opposition, like all members of parliament, I suggest, has a strong interest in heritage matters and believes very strongly that state heritage needs to be protected and managed well. I am aware that some of the provisions in this bill try to address some issues that have been going on for some time, and some complex legal matters underpin some of the decisions that resulted in the bill in the form we have before us.

In this bill there are some renamings and reworkings. What was the State Heritage Authority will now be called the State Heritage Council. The government argues that the change will refocus what will now be the State Heritage Council to a more strategic level as far as the operations of the board are concerned, and the name change and the changes to some of the functions of the board will reflect the government's argument in that respect. The government is also trying to simplify the heritage register, so that all matters that are heritage listed, whether locally listed or listed on the State Heritage Register, are found on the one register, so they create a single heritage register for South Australia, which makes it easier for people to access.

My colleagues would like the minister to guarantee that that does not in any way change the status of the heritage listings, either state or local. That was the information given to us in the brief but, for the completeness of the record, if the minister could address that issue at some stage in his response or during the committee stage, that would be appreciated. I note from the functions of the renamed council that it is going to widen its brief to include comment on national and local policy and practice and will also set the criteria of suitably qualified heritage practitioners and maintain a register of those practitioners. I understand that there is no fee attached to that, and I was quite surprised that the officers had missed an opportunity to set a fee and have an income stream, but maybe another day.

The Heritage Council will have the opportunity to set the criteria as to who will be a qualified heritage practitioner, what standards or qualifications they need to have, and ultimately maintain that register. The government is now including caves in places that can be registered as being of state heritage significance. Also, interestingly, it is going to allow the registration of objects of state significance, even

though they may not exist at a place of state significance. The example I was given when I asked how that would work was Baudin's rock, which apparently has been moved from its original place of significance, so Baudin's rock could be registered as a matter of state significance and the act would then apply to that object.

As I understand it, the registering of objects of state significance is similar to the registering of places of state significance in that the owner of the object is consulted, can put a submission, but cannot overrule the heritage listing and ultimately has no discretion. If the object is heritage listed, the owner of the object is then compelled to maintain the object to the appropriate standard and pay for that out of his own private means. Although the minister might like to confirm that, I assume they will be eligible for the normal heritage grants, as are owners of heritage buildings. I did not ask that in the briefing but I assume that would be the case.

There is a change to how state-registered properties can be removed from the state register and there is a new provision requiring the Minister for Environment and Conservation to state in writing how the public interest is affected. Rather than just make the decision, the minister would now have to actually give a written reason as to why it is in the public interest not to leave something on the provisional register. Ultimately, if it stays there, it will go on to the state register.

There are also some minor changes to what can become local heritage places. As I understand the briefing, this is where there is a move from what is now the Heritage Council to put something that is currently state heritage listed onto the local heritage listing—for some reason there is a change, or new information has come to light and the significance, or whatever, has changed. There is now a better process in place where there is consultation with the owner and the local council involved in that change.

There is also what I consider to be one of the more controversial clauses in relation to state heritage properties and objects—assuming the objects clause is agreed to in the bill—and that is the change relating to damage to state heritage listed properties/objects. As the bill currently stands, the government seeks to remove the word 'intentional' from clauses that relate to what happens if a state heritage property is damaged. The clause currently provides that if someone intentionally damages a state heritage property they receive a significant penalty—I think the penalty currently might be $50 000. I am not sure about that but it is a significant penalty. If the government takes out the word 'intentional' it would then read that if someone damaged a state heritage property the penalty might apply.

That seems to me to be a big step and I asked a lot of questions in the briefing regarding what happens with accidental damage, because if you take out the word 'intentional' it just leaves the word 'damage'. I gave the example of someone driving in Belair National Park, and the front wheel comes off their axle and they crash into Old Government House. They have damaged it, even though not intentionally. Why then should they be penalised? It is not as if they deliberately drove their car into it. There are lots of other examples you could think of.

In fairness, the officers probably had not gone to the extent of thinking of those sorts of examples in drafting that provision, and I notice that in his letter, as a result of opposition questioning, the minister is changing that particular clause through his own amendments. So, the opposition is pleased that some flexibility is going to be given to that extent. The opposition would fully support that if someone intentionally damaged a state heritage listed building then they should be appropriately penalised, but I think accidental damage is in a different category.

Now that the minister is going to address that through his amendments I do not think there will be the same level of concern from this side on that issue. We were going to oppose that clause in the original bill and, subject to what is said in committee, we will have to work out where we stand now that those changes are there, but I do thank the officers and the minister for taking our concerns on that particular issue on board.

The bill also deals with artefacts of archaeological significance, and there was some discussion about artefacts in general and how they are covered by this. Artefacts could be as simple as bottle collecting. Again, I believe the minister is moving some amendments to clarify that this bill was not really designed to cover that sort of issue. So I am pleased to report to the house that, through opposition questioning, we have at least made some improvements to the bill.

The Hon. J.D. Hill interjecting:

The Hon. I.F. EVANS: The minister says that I never give up. I will say to the minister that it does surprise me, because in the minister's second reading speech he talks about a huge consultation process and all these submissions, but when it gets to the briefing of the opposition two days before the bill is going to be debated (and that is not a criticism of the minister as to the time, that is just my diary) within 15 minutes and five questions we have won two amendments. One would have to question the consultation process. If little old builder here can pick up issues, how is it that all that consultation process delivers two changes in 15 minutes? I am not complaining about that because I have won two amendments in—

An honourable member: You are a genius.

The Hon. I.F. EVANS: No, that is not true at all. It just amazes me how it gets to that point because you would think that all those issues would have been countenanced by the experts who work in the field every day—not necessarily the officers, but all those people out in the community who are interested in heritage. One would have thought they would have raised a whole range of those issues. So you are right, minister, I never give up in that respect.

I think that deals with most of the issues in relation to areas of state significance. There are also some changes to the emergency protections, where stop orders can remain valid for 12 days instead of four days. The Heritage Fund is renamed to reflect the change—it is renamed the South Australian Heritage Fund for Application by the Minister for Environment and Conservation. We might have some questions as to why the minister gets access and not the Heritage Council, given its new strategic role.

There were some other issues that we asked about during the briefing, just for the information of the house. On prosecutions we asked what was the highest penalty ever imposed in a prosecution under the Heritage Act, and the response was that the AGD (I assume that is the Attorney-General's Department) advises that there have been no prosecutions recorded between 1991 and 2004. There was an apprehension under section 27 that did not proceed. So, the concept that they are going to increase penalties to get tougher on people who harm state heritage buildings does not add up. There has never been a prosecution in 14 years, so, where is the deterrence? I think that that tells us that the general public have a great respect for our state heritage list

of properties, and that is why I have strong concerns about the penalty regime. If you are dropping out the intentional damage to any damage when there has been no one charged in 14 years, all you are trying to do is catch people who accidentally damage it.

The Hon. J.D. Hill interjecting:

The Hon. I.F. EVANS: I know that you are now going to fix that, but that was what the bill said. I missed civil penalties: similar to the minister's practice in other bills such as the EPA, the minister has introduced civil penalties into this particular piece of legislation. This is a slightly different model to the EPA bill. Under this bill, as to the civil penalties, from memory the way it works is that the authority writes to the person who could be prosecuted for damage for a criminal matter, gives 21 days for the individual to decide whether they want to be prosecuted civilly or criminally, then, if it is civilly, it is the court that decides the level of civil penalties (and the EPA Act is the authority itself, from memory). So, there is a slightly different model there. Although we respect the subtle change and, probably, I think that there is a better model of civil penalty in this bill than the EPA bill, we will not be supporting that particular provision.

So, changes to the law, and the state heritage list of properties that are not properly maintained to a standard set by the authority or council can suffer penalties of around $25 000. I suspect that this is a response to Belmont House, and the minister might elaborate on others. Although we have some concerns about how that might be managed, we recognise that the 400-odd properties need to be maintained. It is going to come down to commonsense about the standard set, and the time line set. There are some concerns from this side of the house about how heavy-handed the council will be in relation to that, and how they would take into account the person's own circumstances of being able to fund that maintenance because it will be big penalties. But we recognise that there is a problem and we understand that this is the Minister's answer to that problem. So, that gives the house a bit of understanding of our understanding of what the bill does, and I look forward to the committee stage.

Mr KOUTSANTONIS (West Torrens): I rise to support the Heritage (Heritage Directions) Amendment Bill 2005 and congratulate the government for what I think is a commonsense approach to heritage and heritage listing. Often in South Australia, heritage causes a great deal of emotion amongst local communities in both directions. Sometimes communities want to see local state assets heritage listed to conserve them, and to remind us of yesteryear. Of course, there are beautiful buildings in their own right, and there are other things that should be heritage listed as well, and local communities often fight and struggle and cannot see why developers do not see the inherent beauty of these local buildings. Of course, there is also the reverse when people try to heritage list items and go a bit too far, that the local community does not support. I am compelled to write to my constituents regarding a matter that is to be heritage listed. The letter states:

Dear Residents,

A new underpass or heritage list the existing Bakewell Bridge at Mile End?

The Rann Labor government plans to demolish the Bakewell Bridge and replace it with a state of the art underpass or bridge, that has generated calls by Mr Kevin Kaeding of the West Torrens Historical Association and President of the West Torrens Residents Association in the local *Messenger* and *The Advertiser* to heritage list the Bakewell Bridge located at the end of Henley Beach Road at Mile End.

Mike Rann and I have a preferred option of building an underpass, but we will first consult with local residents about preferred options.

I have devoted my career to replacing this death trap and eyesore. The previous Liberal government ignored my calls to replace the bridge and refused to even upgrade the bridge to make it safe. It was only after another death on the bridge that I was able to convince the Liberals to place protective barriers on the bridge. Too late for one family.

This bridge has taken more lives than any other bridge in Australia!

The *Weekly Times Messenger* reported that Mr Kaeding and the West Torrens Historical Society want to heritage list the bridge! There were even reports in the *Weekly Times Messenger* that the West Torrens Council may have submitted the bridge listed as local heritage to be saved.

I have pledged to fight to ensure the new $30 million development, that's long overdue, proceeds.

Len Tregenza, who lost his son on the bridge just short of his 21st birthday, has joined my campaign to fight these plans to heritage list the Bakewell Bridge, now I need your help!

I want to demonstrate to the State Heritage Authority that local residents do not see the Bakewell Bridge as local heritage that should be saved, but as an ugly, dangerous eyesore that badly needs to be replaced.

When the development is completed, Henley Beach Road will be a beautiful gateway to the city and the sea, finally opening up the parklands to locals, dramatically increasing the amenity and value of our homes and suburbs.

With the Labor government committing over $187 million to fixing bottle necks on South Road with underpasses, $12 million for the new City West-connector in Mile End, $30 million for the new Bakewell Bridge, we have, for the first time in the Western Suburbs, infrastructure that will increase the value of our homes, the amenity of our suburbs, and it is all being risked by a small but vocal group of critics.

Please take the time to sign the letter that I have included and send it back to me in the envelope provided to show your support, no stamp needed.

Yours sincerely,

Tom Koutsantonis MP

Labor for West Torrens

PS Heritage is worth fighting for, but sometimes people go too far, this is a bridge too far!

Included in the letter to be distributed to my constituents is a number of quotes which I wish to read out. The first was from the *Weekly Times Messenger*:

The bridge is also believed to be one of 50 buildings and structures submitted by West Torrens Council to Development Minister Trish White last month for local heritage listing.

Source number two from the *Weekly Times Messenger* states:

The Thebarton Historical Society rates the bridge as 'cultural heritage' and claims the number of accidents were 'incidental'.

John Trainer, Mayor of West Torrens, on a radio interview on 891 ABC on 29 March 2004 stated:

It [Bakewell Bridge] dates back to the 1920s. There's a little bit of a heritage aspect about it. . .

McCarthy, the interviewer, asked:

What are the heritage aspects of it? It was built in 1928 I think.

Mr Trainer replied:

Just simply its age. . . a unique design.

Another quote from Mr Kaeding in the *Messenger Times* states:

Even though there have been a number of so-called accidents, for the amount of traffic that uses the bridge it is just incidental. It's such a cultural bridge to drive across.

Another quote from the newspaper states:

But he [(Kevin Kaeding, Thebarton Historic Society President] said the 1925 bridge should not take all the blame for its accidents.

Another article, which is headed, 'Council submits heritage wish list', states:

> A list of buildings the West Torrens Council wants to see heritage listed has been submitted to development minister Trish White. The list was produced through the council's local heritage survey. Between 40 and 50 buildings are included, though exact deals are being kept under wraps in an attempt to protect them until the list is protected by the minister's interim approval.

The West Torrens Historical Society has also produced a wish-list of buildings it would like to see protected. Some structures, such as the Bakewell Bridge, are believed to appear on both lists. The final quote from Mr Kaeding from the *Weekly Times Messenger* states:

> So much heritage is lost because the public doesn't get behind it, and we see items lost that should be kept for future generations.

Mr Hanna: Does that not destroy your argument?

Mr KOUTSANTONIS: As I said in my opening remarks, I support the bill. I support heritage listing of certain buildings. I think that the community should be consulted on these things, and the government is going to a great deal of effort to do that. For the member for Mitchell's benefit, I am trying to explore the argument that often a small vocal yet minority group of people try to list things that are not in the community's greater interest. Often the state's heritage authority needs to be informed that the local community and its community leaders do not support what a small and sometimes unrepresented group tries to do in local communities by heritage listing all types of items.

Sometimes these things slip under the radar. I do not think that there would be anyone in the western suburbs—other than Mr Kaeding and some members of his association—who would believe that the Bakewell Bridge is an item worth saving. I have spoken to the families who have lost loved ones on this bridge simply because of bad engineering and the way in which the bridge is structured. No safety barriers were on the bridge for nearly 70 years. If a car had an accident on the bridge it would immediately fall off, either onto someone's house or onto a road, and someone would be killed.

To call these deaths incidental is to say that the bridge is more important than the lives lost, and I think that is offensive. Through the assistance of this bill and the minister, I am trying to show that the local community should have a voice in whether or not these items are heritage listed. Without wanting to waste the time of the house, I thank the house for listening to my submission. I support the bill.

Dr McFETRIDGE (Morphett): I have had considerable experience with state heritage-listed properties, having owned one for eight years. It was a train wreck when I bought it. I went in with what I thought were eyes wide open in terms of what it would cost and the time that it would take to restore the property known as Stormont at Glenelg. However, even with rudimentary building knowledge and looking at the costs involved in various restorations and renovations, the cost of restoring that building blew out. Eight years later probably half to two-thirds of the property was restored inside and we were working on the outside.

One room alone took us 18 months of restoration work with 28 colours on the cornices and 1 000 hand stencils on the walls. I replaced all the skirtings and architraves and some of the floorboards, which were repolished. For a private owner to maintain a state heritage-listed property is an absolute nightmare at times. I am grateful to see some positive changes in this act, but what has not happened in the past (and it does not appear to be happening now) is that we do not seem to be putting a real value on our state heritage other than lip service.

We do need to put our money where our mouth is in terms of legislation if we are to protect state heritage. The funding has increased, but it is nowhere near what is required. I know that the current owner of Stormont is putting in, I think, a seven-figure sum to continue restorations and renovations. People say that heritage listing a property does not reduce its value, but I know that the current values at Glenelg have skyrocketed. It is well known within this place and the whole of South Australia (thanks to *The Advertiser* and *The Sunday Mail*) that I did receive quite a sizeable sum for my property, but I would have got twice that figure had it been sold as a development site.

My wife and I deliberately searched for people (unfortunately, we did not find all the people we wanted to contact, but that is another story) who did not want to do any more than restore the house. The situation has changed a little, and I find that disappointing. Valuing our state heritage is something about which I am very passionate. You drive out of this place and down West Terrace and you see the sign, 'Historic Glenelg'. Every day at the Bay there is another issue concerning restoring and maintaining heritage. The latest issue is Stormont, my former home.

Stormont was 14 South Esplanade and now 16 South Esplanade has submitted an application to build what can only be described to my eye and to the eye of many others as something that looks like a large ocean-going car carrier. It is six storeys high, and it will be smack bang between two state heritage-listed buildings. Not only do they want to build this block of apartments but also they want to knock down the heritage-listed stone walls that surround the back of Stormont and alongside Albert Hall.

I should say that, per square metre, they have paid twice as much for the property between Albert Hall and Stormont, so to say that heritage listing does not affect the value is plain to see. Local heritage regulations—or inclinations, shall we say—by the council require that any development between heritage-listed properties should be in sympathy with the buildings alongside them. I can tell members that this is not in sympathy. The other classic case at Glenelg is in College Street.

The Hon. J.D. Hill: Was it state listed?

Dr McFETRIDGE: State listed, yes. Albert Hall and Stormont. There is a two storey building in College Street which I do not believe is even locally heritage listed. I do not know why it has missed the listings because, from recollection (and I do not have the notes with me on this particular building, unfortunately), it was built in 1876. I believe it was one of the first residential hotels in Glenelg; and it was the home of a former premier of South Australia. It has subsequently been divided into two properties. One half is owned by a private owner—fortunately a very wealthy private owner.

The other half is owned by a corporation that wants to demolish its half of the building. It does not only want to demolish its half of the building, but also, if it could, it would buy the other half. But this lady is not interested in selling and she does not need the astronomical prices the corporation is offering at the moment. But it wants to knock it over and replace it with yet another 12-storey building in College Street behind the Grand. I find this absolutely deplorable, and the local residents also find it absolutely deplorable. I know they have approached the minister regarding heritage listing for this property, to no avail. I make a personal plea now to

the minister to relook at the situation in College Street. Apparently the ERD Court is making a decision on whether half of the building should be able to be knocked down. I do not know what the final decision will be, but it will be an absolute disaster if this piece of heritage architecture in Glenelg is lost.

We saw a number of homes on Colley Terrace demolished. If you go down to the Bay and look in the library at what used to be Colley Terrace you will see the magnificent mansions that over the years were knocked over or redeveloped in terrible ways. I have heard awful stories that at the Bay in the 1960s they used to put bulldozers through these places without even going inside them. That is what they thought of them then. The Melrose tower, which is next to Stormont, is the site of the home of Jimmy Melrose, a famous South Australian aviator. It was knocked over and replaced by what I consider to be one of the ugliest buildings in South Australia. It is a cream brick 10-storey block on the beach front. But I digress.

There was a lot of objection to the building of the 12-storey Liberty Towers on Colley Terrace. I understand it is the largest building by volume in the state now. There is no doubt there is an up side to this development, but the point is there were a lot of homes along there that were locally heritage listed—and what happened? They were bulldozed and knocked over. There was no teeth in any legislation to stop that happening. I hope that when we see the sustainable development bill there will be a lot more teeth to protect local heritage, because at the moment councils seem powerless to do other than list properties and then watch them being bulldozed if the developers get their property rights.

When Magic Mountain was about to be demolished—and we were lucky that it was not able to be listed as some sort of archaeological site—there was a lot of consternation about what we thought was a heritage listed carousel in the building. After I found out it was not heritage listed, I wrote to the minister asking that he put an interim heritage order on it, but it was a movable object. It was built, I think, from memory, in 1896, and I am assured by the current owners of the carousel that it will be replaced in the new entertainment centre. It should have been heritage listed to give it that bit of added extra protection, and I see under the bill that will be able to occur.

Obviously, Port Adelaide is another area in which the heritage buildings and heritage ambience is an absolute gem for South Australia, and I hope that during what can be described as another fantastic development for the state (there is $1.8 billion worth of economic activity going on down there) the heritage value of buildings is not overlooked and is given the status it deserves. One building there I believe is called Hart's Mill, and I am reliably informed (and if I am wrong I would like people to tell me) that Hart's Mill is the largest timber framed industrial building of its age anywhere in the world—not just in South Australia or Australia. That sort of building needs to be preserved, listed and protected. But, also, it will cost money to look after it and, just the same as private owners of heritage listed homes should be encouraged to not only put them on the list in the first place but also maintain them, certainly corporations and communities that own buildings should be able to take on the structures (or even the objects, as the bill goes) and look after them, maintain them, preserve them and treasure them for what they are.

The criminal prosecution of private owners of heritage listed buildings causes some concern because I know there are some people who own state heritage listed buildings who just cannot afford to maintain them to the nth degree.

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

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

Dr McFETRIDGE: Criminal prosecutions of owners of heritage listed property present a problem unless those people are given support in the first place to help maintain and preserve those properties. For a government department, or government generally (because it is state heritage listing we are talking about here), to have the power without the responsibility is something that I have questions about—and I know the funding has been increased. It was continually frustrating to me as an owner of a state heritage listed property trying to maintain and restore it. When I put in applications for grants they would be in colour, in triplicate and filled out with every detail possible, and you would get a letter back saying that this particular application was not considered significant.

I realise that there is a limited amount of funding that can be put into these sorts of areas, but we expect people to treat these objects and buildings with respect, so we should respect the fact that a lot of private individuals do not have the financial wherewithal to spend what is required to maintain them. I hope this bill becomes an act without too much further delay because the people of Glenelg, the people of South Australia, the people of Australia and, indeed, the three million visitors a year who come down to the Bay, many of whom are from international sources, want to see what is historic Glenelg. I support the passage of the bill.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I am anxious to speak in defence of this bill, because I feel strongly about heritage conservation within our city and our state. I have always believed that saving heritage buildings is important for our cultural values, knowing who we are as a people, and understanding our place in the world and in history. More important than that, this legislation is perhaps a mirror that we can put up to the world to show other people where we have come from and what we have achieved.

Much is said about the tourism potential of heritage buildings—and I think that is true—but there is often some confusion about the nature of state heritage and local heritage listing through townscape measures. Much of the ambience that adds to our sense of place in Adelaide is created by zone, streetscape or local heritage listing more than the nature of the listed properties that you find in the State Heritage List. That is why I think it is particularly important that we debate this bill close to the sustainable development bill, because both these bills enact powers to protect our heritage, but they do so in different ways.

The State Heritage Act—and, by the nature of things, the Heritage (Heritage Directions) Amendment Bill—looks at heritage places in terms of the stamp collector rather than the mural. Much of what we appreciate about history relates to the stamp collector, if you like: the place where William Lawrence Bragg lived; the site of a particular event; a place where something occurred; or a particular building or set of complexes around our universities or our parliament. Much of what we feel about a sense of place relates to a broader

fabric and therefore is dependent on: good local government processes; the capacity to get local heritage listing and studies performed; and the capacity to give interim protection prior to the assessment of those lists.

Much of the argument about heritage listing relates to the view that people attack property owners by trying to list properties. That is not true. There are vigorous measures in place and a very strong set of criteria. It is important to carry out these processes in a credible way so that there can be no assertion made that there has been a vexatious listing. The question of lost values is important. Of course, the reversionary value of any site relates to the development potential of that area of land. It is quite clear that there are development rules about any building site, and no owner of property has unfettered rights to develop. Whether their building is listed or not, there are always conditions. We only hope that, on occasions, local government would comply with them. Generally, property owners in residential areas (unless they are on the Esplanade) have limited rights of development. The most important criterion is whether or not there is townscape listing or local heritage listing. That applies to groups of buildings, with particularly rigorous application to infill development, which otherwise can be really grotesque and demeaning to those heritage buildings.

I particularly commend this bill because it adds another layer of support for heritage building owners, in terms of not just the grants that are available but also the matter of the bills that property owners have from expenses such as rates and taxes. In fact, it is interesting that it is possible to have an assessment of a state heritage building to determine eligibility for reductions where heritage listing has been determined to reduce the practical value of that land. It is quite clear that, if you have a heritage listed property and a large area of land which relates to it—under this bill, trees and gardens could also be incorporated in the heritage listing—you cannot get a return from a commercial property, because that land is not able to be developed.

I will be pleased to remind the people in my electorate who own state heritage listed buildings that they have the right under the Valuation of Land Act where their land forms part of our state heritage to be given an assessment for the purpose of levying rates, taxes and imposts in relation to the amount of value that is affected by the heritage listing. I am particularly pleased that this bill amends the Valuation of Land Act 1971 to provide protection for local heritage properties as well. So, I think this bill will add greater protection for our prized, iconic buildings. It will prevent those few people who practise demolition by neglect (or bulldozer) from demolishing our heritage. It is not just their property, we all have a stake in these buildings. More particularly, there are measures in this bill that will remediate some of the costs of owning those properties by extending the protection that is already afforded to state heritage buildings to local heritage properties.

This is an important bill. It reiterates the sense that where there is an iconic heritage building there is a need for us as a community to value it. There is funding within the government's planning to support those buildings and, in particular, there are effects that will be applied through the assessment of land tax. I think this bill, together with the sustainable development bill, will further support our local heritage and state heritage buildings which are part of the fabric of our society and are so important for our cultural well being as well as our tourism industry.

Mr HANNA (Mitchell): The Greens are concerned not only with our environmental heritage but also with built heritage, and it is very pleasing to see this heritage reform bill being brought in by the government. One thing I did not quite understand in the minister's second reading explanation related to the inter-relationship between what are now items on local registers and what will appear on the South Australian heritage register. For example, the Marion council has a very informative and well-developed local heritage register. From looking at the bill, I am not sure how those items will be transported to the South Australian heritage register, although clearly there is scope for that in the bill. I am not sure whether it means that the local council will make application or whether the South Australian Heritage Council will look at all local government areas and incorporate, as it sees fit.

I will be moving one amendment but I will explain it in more detail when we consider the clauses in detail. Essentially it encapsulates the principle that where a body is appointed by the government to do its job (a group of people selected on merit with particular qualifications), then I say that group should go ahead and do its work relatively free of ministerial interference. The Parole Board is a prime example of where we have community representatives, lawyers and people with other qualifications specifically to do the difficult job of considering when people are to be released on parole, yet the government insists that there should be an executive override if there are political advantages to overruling the Parole Board's decision. I am concerned that the same thing happens here in this heritage area.

I realise that there is a ministerial override in the existing act and, to some extent, it is improved in the bill. However, the Greens would rather see it taken out altogether so that, if the heritage council makes a provisional entry onto the register, then the only course of redress for the owner who believes it was a wrong decision is to go to the court, rather than mount a political campaign through the minister. For the sake of accountability, it is actually better to leave the minister out of that process at that stage. I will come to that amendment in due course.

Ms CICCARELLO (Norwood): I will add a few comments. I certainly add my support to the Heritage (Heritage Directions) Amendment Bill. Heritage certainly has been a passion of mine for a very long time. When I was involved in local government, one of the issues in which I became seriously involved was the heritage of the area, because I thought it was the heritage which defined and I think still defines much of my electorate. The heritage of the area certainly defines and acknowledges its place in South Australia and its development. The Kensington Norwood council was the oldest municipal council in Australia. It was first constituted in 1853. I think that, if members visit the area, they will certainly see some very fine examples of important buildings. Perhaps I will mention a few buildings.

Most members are familiar with The Parade. Clayton Church is at the top of the Parade, then there is the Wesleyan Methodist Church, old Gabby Motors and the Norwood Town Hall, which I think is one of only three state heritage-listed town halls in this state. Then there is the Norwood Oval, the old Baptist Church, the Norwood Hotel, the Colonist Tavern and Canns. Many of the local businesses on The Parade are housed in shops which were built more than 100 years ago and which are still there. Rather than demolishing these buildings, over the years the council recognised the import-

ance of these buildings. Norwood like Glenelg and some other areas has certainly increased tourism potential within the state because people not only come here to see nice landscapes but also to look at the historic buildings. Certainly that is something that we should be promoting in South Australia.

This bill will certainly go a long way in recognising the history and heritage of areas. One of the things that my council did was to put in place as well a cultural heritage program, which encouraged the local community to take an interest in the history and heritage of the place. Regular walks, and even bike rides and bus tours, were conducted in the area so that not only local people but people from around the state and interstate could view and appreciate the wonderful built heritage of the state. It is not just about the built heritage, but as part of the program we also put on the footpaths plaques which highlight the people and the businesses in the area. I have mentioned Waite & Son, which has been there for over 100 years. I think many people in the state have visited The Parade and enjoyed rummaging around Canns and finding all sorts of odds and ends.

The building has changed hands but is still there. Canns is now Café Bravo. Whilst it is no longer a hardware store, the built heritage is still there for people to enjoy. It has been said by many people that, if a building is heritage listed, it will diminish in value. I think that those attitudes are changing. In terms of real estate in my area, I have certainly seen that people now appreciate the old bluestone buildings and they do not want to knock them down any more. I think the days of the pseudo tuscan buildings have passed and people are appreciating the built heritage which was appropriate for the time it was built. It has stood the test of time and will continue to.

It is unfortunate that this bill was not introduced earlier because perhaps some of the buildings that we have now lost—and I think a prime example was Fernilee Lodge, a building which was very important to the state—perhaps could have been listed by the local council. Now, I think it is still just a demolition site. I think it is very sad not only for the local community but also for the South Australian community and all those people who did enjoy wedding receptions or other functions at Fernilee Lodge.

I was present when the minister announced the funding which will be available for heritage protection. One of the good things about which I am happy is that councils will be able to get money to employ heritage advisers to ensure they can come up with heritage listing for local buildings. I hope it spurs the City of Norwood Payneham and St Peters to finally finalise its heritage survey. The Kensington and Norwood part was done, but Payneham and St Peters have not been finalised. With the assistance of this funding perhaps it can be finalised so any buildings which are in danger can be saved.

I commend this bill to the house. I think it does show a commitment on behalf of the government that heritage is very important. As I have said, if we want to have a sense of identity and a sense of place our history and heritage is very important. I commend the bill to the house.

Mr VENNING (Schubert): I will speak briefly to the bill, in its amended form, and also support the Adelaide heritage generally, whether it be built heritage, natural heritage or mechanical heritage, including cars. People who own a heritage building today, whether by choice or accident, or whether they are a developer, I believe they have to abide by some very basic guidelines. It is a fine line we tread—and this has been highlighted in the bill, and by the minister's second reading speech and other speakers. It is a fine line. We cannot tie people, we cannot put people at a financial loss, purely because they are custodians of our heritage buildings. It is all very well for us to come in and lay down the law and say what people can and cannot do with a building they have purchased. Certainly, there are guidelines but, if we put imposts in the way of people and insist on those imposts, I think compensation should be payable to certain people. We know that heritage buildings can be upgraded—so people can live a modern life—without destroying their external appearance and much of the internal appearance. But we know that heritage buildings, particularly bathrooms and plumbing, and kitchens and cooking areas, do not stack up today with the modern Health Act.

We know of many situations around Adelaide—and the issue in North Adelaide is one which has been highlighted in recent days—where a developer was trying to knock down a building. I was not in favour of the developer in North Adelaide. It is a beautiful building and I am pleased it is still there. If we knock down all these buildings we totally destroy the character of the city. The town of Kapunda where my office is located—and my office is a beautiful heritage building—

Mr Caica interjecting:

Mr VENNING: No, I will have to move—which is a shame. My office is a wonderful heritage building. I congratulate the then government that enabled me to go there. The people who bought it restored it. There are beautiful buildings in Kapunda, but when one looks at photographs of buildings which were there and which have been knocked down in the 1960s and 1970s it is a crying shame. If those other buildings were still there, I believe Kapunda would be unique in Australia. Buildings such as the Coffee Palace was knocked over. It was a magnificent building which should never have been knocked down. What did they put there? It is a Beaurepaire tyre outlet—a basic looking building which is painted yellow. In a town such as Kapunda that should never have been allowed.

These things cause one to consider one's position and one's own values in life. I think as we get older we value these heritage buildings more. It is a pity that our younger people do not seem to be able to value this heritage, although there are exceptions to that. I invite people to come to Kapunda to walk around, not just the main street, where some beautiful heritage buildings remain, but, more importantly, the back streets of Kapunda to look at the homes. It is a delight. That will be the thing I will miss most when I have to leave Kapunda; that is, the delightful little homes, the little miners cottages with their beautiful gardens. It is one of the secrets of South Australia. People do not realise it. They could go for a walk themselves. My office is a fine heritage building.

Also, the home in which we live in Crystal Brook was built by my great great grandfather in 1870—and we are still living in it. We have restored the outside of the building to its original condition. Luckily, all the cast-iron work was still in the rubbish dump where it was thrown some 50 years ago. We found it all, had it repaired and repainted, and it is now back on the house. It does look lovely. People do appreciate heritage. Sometimes they have to be reminded about it.

Also in Crystal Brook, many years ago, a lovely old two-storey shop was in poor repair; it was commonly known as Daws shop. It appeared that it would be bought by a local

developer and flattened to become a car park. That is only time I have ever been motivated to have a demonstration and get rather radical—which we did.

We saved that building. We formed a branch of the National Trust in Crystal Brook, of which I was the first chairman, and that building stands today as the local heritage building and is an asset to the town. I am proud that I got off my backside back then and got involved, because what we have there has to be a lot better than a car park. We can all play our part in heritage, and I think it is appropriate that this bill is before the house. I, too, join those who mourn the loss of Fernilee Lodge. Fernilee Lodge meant a lot to most of us. In my secondary schooling here in Adelaide I went to many a reception in that place. Many of the young ladies I used to meet in those days were making their debut and it was always done at Fernilee Lodge; and now it is gone. And what do we have in its place? It is pretty poor, I would say.

Some of our developers really leave a lot to be desired as destroyers of Adelaide's heritage. So, I join those who mourn the loss of Fernilee Lodge and many other buildings throughout this beautiful city as well as in places like Victor Harbor. If you look at the Victor Harbor main street, it used to be full of beautiful buildings. One was the Central Hotel, where we used to holiday many years ago. It was a beautiful old building, yet it got a bit shabby, down it came and they put a modern steel and glass bank building there. That is no replacement for a beautiful building like that.

I want to put on record my appreciation of heritage not just in Adelaide but anywhere in our state and our country: our built heritage, our natural heritage, our beautiful trees and our beautiful mountains; all these beautiful areas that we are now re-evaluating, as well as our mechanical heritage. And our mechanical heritage does not include a lifting bridge over the Port River. I support the bill.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank members for contributing to the debate. It is good to hear a bit of passion about the issue of heritage in our state. I will address some of the issues raised by members during the debate. The member for Davenport raised the issue of heritage listings and whether the status of local government listings would change if they were put on this joint list. The answer to that is no, they would maintain their current status. I think the honourable member understood that, but I put it on the record. He asked whether or not the owners of objects associated with heritage-listed property would be eligible for grants, and the answer is yes, they would be.

He talked about penalties and raised the issue of the intentional versus the non-intentional, and in that context also raised consultation, whether it had been good or not. I would make a range of points there. The proposition to get rid of intentional was reached because, as the honourable member pointed out, there had been no prosecutions and it had not been seen to be a very useful provision, so it was removed. After I became aware of his concerns I had another look at it, consulted with the presiding member of the current authority, the Hon. Rod Matheson, and he was keen to have a range of penalties that did not contain intentional behaviour. But we came up with a compromise, which I think will address the concerns of the opposition and the concerns of the authority.

The honourable member made the point that it could be done in 15 minutes. I think the process of parliament where oppositions are given a chance to look at legislation and comment is a good one. That is what our democracy is based on and what makes it a robust system. Every time I have had legislation I have accepted amendments from other members in the chamber, and I quite like the process. I like engaging at that level in debate and I will continue to do that, and I do not feel embarrassed about doing it.

The member for Davenport asked a question about the minister having access to funds, grants and so on. I say to the honourable member and the house that the way we are trying to set this up is that the new council will have a strategic role and make decisions about whether or not properties are listed and will set the framework, that at an administrative level will run the grants. That should in part address the concerns raised by the member for Morphett, who said that if you apply for a grant you have to go through a huge rigmarole. In part, that is because of the current arrangements that involve the authority making those kinds of decisions. He talked about civil penalties, and I am disappointed the opposition is opposed to that, but that is as it is.

He talked about repairs and the powers of the government to cause a building to be repaired. I think the honourable member acknowledged, and I agree with him, that that is an important provision, so we can cause buildings that are run down to be fixed up. Belmont House was mentioned as a particular measure. There are other buildings around the place where people deliberately bought properties—and I am not saying this in the case of Belmont—with the intention of letting them decay over time so that their heritage value is gone and they can then take advantage of a site that is no longer able to be heritage listed and make a good return from it. This will give us powers to cause repairs to occur.

The member for Morphett talked about the amount of money that is available to assist owners of state heritage properties to look after their properties. I agree it is not a lot: it has to struggle in the budget against all the other priorities but, as other members have indicated, we have increased funding to heritage generally, although not particularly the money that goes to subsidise home developers. As the member for Morphett said, he did do pretty well out of his particular heritage property. The issue of local heritage was raised by the member for Morphett, and I just make the point that the local heritage issues will be dealt with during the legislation that the Minister for Urban Development will eventually move.

Movable objects will be covered, but not all movable objects that might be considered to have heritage value. They have to be associated with a particular state-listed place. I give the house the example of the chair on which the Deputy Speaker is sitting at the moment. It is probably not the original chair that was used in this premise. That chair, I think, is sitting in Old Parliament House. But that chair obviously has strong historic and heritage value and, if that were to be moved to, say, the Art Gallery or some other place in Adelaide or elsewhere, then the fact that it was associated with this building and has such strong heritage value would mean it could be protected and recorded in a particular way. Another example would be the cabinet room furniture, which is currently in what was Treasury House and is now the Medina Hotel. This legislation will allow that heritage material to be looked after.

The member for Mitchell asked about local and state heritage and how things that are local heritage get on the list. There will be an integrated list—if a local council declares something to be of heritage value it will automatically go on

that list and things the Heritage Council declare to be of state heritage will, of course, go on that list as well.

The member for Mitchell also referred to the over-ride provisions and I wanted to address that because I understand that is of particular concern to him. I will give him an example. I have only used that provision once in my time as minister and that was in relation to the shacks at Milang. The former government decided to freehold shacks and went through a process of determining which ones should be freeholded. They decided that the Milang shacks should not be because there were serious environmental issues associated with them—they were very close to the water, there were problems with sewerage and fire, and there was a whole range of other issues that could not really be addressed. However, one of the shack-holders had the clever idea of applying for heritage listing. They did apply for heritage listing and they were put on the provisional list because it can be argued that it is of quite significant heritage, and it is true that it is a unique part of our state's architectural history.

So, we have my department with essentially two views: the Coastal Protection Board saying that we have to get rid of the shacks and the State Heritage Authority saying that we have to keep them. I had to make a decision one way or the other, and that is why I think the minister has to have that power. That is the best example I can think of. The member for Norwood raised the issue of Fernilee Lodge. While that is, of course, of great importance it will be dealt with by the other legislation to which I have already referred.

I want to raise one other thing. The member for Davenport raised the issue about whether an accident could cause damage to a property. The particular issue that the authority was concerned about was the damage that had been caused over time to the wall at Glenside Hospital by the movement of trucks backing into it. That was more than accidental damage. I do not want to talk about it in the particular because I do not want to suggest that anyone was especially at fault, but it was more than accidental damage on a one-off basis. This was repeated damaged by a series of trucks over a long period of time and that eventually led to the wall, in part, collapsing. It is really to address those kinds of issues. I think the member for Bragg, in fact, asked why were we not doing something about it, but the authority took advice and was told that taking the owner of that adjacent property to court would be unlikely to succeed under current laws. With those words I complete my remarks.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. I.F. EVANS: Clause 4 refers to the long title, which mentions objects of non-Aboriginal heritage significance. Assuming that all the Aboriginal objects of heritage significance are covered by the Aboriginal Heritage Act (I am not familiar with that act, because I have never held that shadow portfolio), how does it work if, between the two acts, the Aboriginal community thinks there is something that is not of heritage significance to it but the European community thinks it is of significance to it? How is that matter listed?

The Hon. J.D. HILL: My advice is that a decision under one act does not preclude its being listed under another. So, it could be listed under the State Heritage Act but not the Aboriginal Heritage Act, and vice versa.

Clause passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. I.F. EVANS: I am interested in clause 7(7)(d), which deals with section 3. Can the minister explain what sort of items he thinks will constitute a place? As I read it, 'place' means 'any other location, item or thing'. What sort of item does the authority contemplate would be a place? It would be a fixed piece of property; so, perhaps a fountain, a bench, a statue, the Queen Victoria statue. Some of that is also covered, I understand, by paragraph (c). So, it is to cover those types of possibilities.

Clause passed.

Clause 9.

The Hon. I.F. EVANS: I am on clause 9, subclause 5(a)(1)(a) on page 6, which deals with the functions of the council. I am interested in the wording, 'to provide advice (especially from a strategic perspective)'. What is the difference between that wording and simply saying, 'to provide strategic advice.'? Is there a difference?

The Hon. J.D. HILL: I think that there is, and I think that they will provide advice which is not strategic as well. They provide advice on a day to day basis expressing their opinion about particular things—whether a property should be listed or not, about a whole range of things. But what we were trying to emphasise here is that we want them to focus on strategic issues, but we did not want to exclude them from giving advice on things other than strategic issues.

The Hon. I.F. EVANS: In relation to clause 9, subclause 5(a)(2), where the council can establish criteria that is to be taken into account when determining whether an area should be established as a state heritage area etc., I assume those guidelines would already exist under the existing act. There must be some guidelines in relation to when something is going to be heritage listed. Is there any intention to change any of the guidelines?

The Hon. J.D. HILL: The advice I have is that we have some guidelines at the moment but they do not cover the full breadth of guidelines that would be required. So, there would be an expectation, if this legislation were to go through, that further guidelines would be developed.

The Hon. I.F. EVANS: Can you give me an idea of what gaps there are? What area is not currently covered by guidelines? The listing of objects would be one.

The Hon. J.D. HILL: I think it is to do with place. One example I can give—and I can provide a more comprehensive answer for the member by letter—is that there is a requirement to have guidelines for state heritage areas, for example.

Clause passed.

Clauses 10 to 16 passed.

Clause 17.

The Hon. I.F. EVANS: The way I read clause 17, it takes away the requirement to seek advice from the authority. Although, now that I read it, I think I have answered my own question in my mind. The authority is now going to distribute the South Australian Heritage Fund, not the minister. Is that right?

The Hon. J.D. HILL: At the moment we have a relatively small amount of money and it takes up a lot of the time of the State Heritage Authority in determining how that money gets devolved; that is fairly bureaucratic. So, we want to make the State Heritage Authority, through the State Heritage Council, have a broader strategic goal about what should be valued, supported and done, then those broad principles are applied at administrative level and that can be done much more quickly. One of the points the member for Morphett made was that he tried to get a grant out of the authority some time ago. He said he had to fill in forms in triplicate and it took a

very long time. The requirement for the ministers to seek advice from council is deleted because involvement in the detailed operation in administrative matters is incompatible with the high-level strategic role of the council and the strategic advice that the council provides to the minister on heritage management influences the allocation of the fund at the strategic level. So, they will set the principles; for example, 'Yes, you can have the funds for doing these kinds of things. You can have funds for doing those kinds of things.' Then applications will come in and will be determined at an administrative level.

The Hon. I.F. EVANS: So, it would be determined at an administrative level. Clause 17 seeks to delete 'after seeking and considering the advice of the authority'. The authority is going to set the guidelines for the grants. I am not sure whether it is going to be the minister who makes the decision as to where the grants are allocated or some independent process—

The Hon. J.D. Hill: It would be the minister.

The Hon. I.F. EVANS: It would be the minister. We are saying that it will go from being an independent process to a political process as to where the money goes. I am interested in that because I held the portfolio of sport and recreation which handles a significant grant allocation line in the millions. From memory it is only a matter of a few hundred thousand dollars in the fund at any one time. You are really saying that the minister is now going to have a slush fund to distribute as long as he or she distributes it in accordance with the general guidelines set by the authority. I am not sure why we would want to take away the independence of the authority to do that. In the sport and recreation agency, a process has been set up so that the minister cannot be involved in that decision making process. The way I read this bill, there is no protection for that. I think that is a flaw, because I would hate the minister to be unfairly accused of pork barrelling come election time with respect to heritage grants.

Mr Hanna interjecting:

The Hon. I.F. EVANS: It might not be unfairly, that is right. I think that the minister leaves himself exposed on that point. Currently, it is done by the heritage authority, which is to be called a council. It will simply be done without any advice from the council at all. Naturally, the minister could be tempted (may not be, but could be) to favour applications in more electorally sensitive areas. I do not see the benefit to the broader public in that provision. It seems to me that if the authority has a bureaucratic way of deciding the grants, surely, it is just a matter of dealing with the authority and the process.

There is no guarantee, of course, that the process set up by the officers inside the minister's department will be any less bureaucratic. There is no guarantee of that. The argument from the minister is: 'We are changing this because the heritage authority has a bureaucratic process. Therefore we will bring it into the department and it will be less bureaucratic.' I do not know whether history suggests that that will be the result of that action. I would be happy to listen to an argument from the minister (or see an amendment from the minister) that the fund will come across if there was a more independent process about it.

The Hon. J.D. HILL: I am just seeking some advice on other funds where ministers have that kind of discretion. The NRM fund is one example and the Planning and Development Fund is another. The reality is that, in practice, these things are not determined by a minister with a whiteboard any more. They may have been in the past. You would make sure that you had in place a very good administrative process. What I am intending to do is adjourn the debate in a couple of minutes. I might adjourn on this point and reflect on the honourable member's arguments. I will try to explain to the committee. We are trying to get a better system because it gets bogged down. If we can come up with a way that satisfies some of the concerns raised by the honourable member but allows it through administrative convenience, we will do it.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: We will look at options.

Progress reported; committee to sit again.

PLANNING STRATEGY

The Hon. J.D. HILL (Minister for Environment and Conservation): I lay on the table a copy of a ministerial statement on a planning strategy made earlier today in another place by my colleague the Minister for Industry and Trade.

ADELAIDE DOLPHIN SANCTUARY BILL

The Legislative Council agreed to the bill with amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No.1. Page 46, line 31 (schedule 2, clause 52)—
After 'vegetation' insert:
, other than mangroves,

No.2. Page 46, line 36 (schedule 2, clause 52—
Insert:

(9c) If an application for the council's consent relates to mangroves (avicennia marina) within the Adelaide Dolphin Sanctuary, the council must, before giving its consent—
(a) consult with the minister for the Adelaide Dolphin Sanctuary; and
(b) comply with the minister's directions (if any) in relation to the application (including a direction that the application not be granted, or that if it is to be granted, then it be subject to conditions specified by the minister).

Consideration in committee.

The Hon. J.D. HILL: I move:

That the Legislative Council's amendments be agreed to.

In the other place the Democrats moved an amendment which would add to the bill a provision that any development, which may impact on the mangroves, should be referred to the minister for determination. The basis for doing that was that the mangroves provided an important food source for the dolphins and, consistent with the overall goals of the legislation, it would be important to protect that food source. The amendment was passed unanimously in the other place and we were happy to support it.

Motion carried.

PODIATRY PRACTICE BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1—Clause 6, page 8, line 17—
Clause 6(1)—delete '8' and substitute:
9

No. 2—Clause 6, page 8, line 18—

Clause 6(1)(a)—delete '4' and substitute:

5

No. 3—Clause 6, page 8, line 19—

Clause 6(1)(a)(i)—delete '3' and substitute:

4

No. 4—Clause 6, page 8, lines 19 and 20—

Clause 6(1)(a)(i)—delete 'conducted in accordance with the regulations' and substitute:

(see section 6A)

No. 5—Clause 6, page 8, lines 29 to 32—

Clause 6(2) and (3)—delete subclauses (2) and (3)

No. 6—Clause 6, page 9, line 1—

Clause 6(6)—after 'nomination' insert:

(if applicable)

No. 7—New clause—

After clause 6 insert:

6A—Elections and casual vacancies

(1) An election conducted to choose podiatrists for appointment to the board must be conducted under the regulations in accordance with principles of proportional representation.

(2) A person who is a podiatrist at the time the voter's roll is prepared for an election in accordance with the regulations is entitled to vote at the election.

(3) If an election of a member fails for any reason, the Governor may appoint a podiatrist and the person so appointed will be taken to have been appointed after due election under this section.

(4) If a casual vacancy occurs in the office of a member chosen at an election, the following rules govern the appointment of a person to fill the vacancy:

(a) if the vacancy occurs within 12 months after the member's election and at that election a candidate or candidates were excluded, the Governor must appoint the person who was the last excluded candidate at that election;

(b) If that person is no longer qualified for appointment or is unavailable or unwilling to be appointed or if the vacancy occurs later than 12 months after the member's election, the Governor may appoint a podiatrist nominated by the Minister;

(c) before nominating a podiatrist for appointment the Minister must consult the representative bodies;

(d) the person appointed holds office for the balance of the term of that person's predecessor.

ADJOURNMENT

At 6 p.m. the house adjourned until Monday 11 April at 2 p.m.