HOUSE OF ASSEMBLY

Thursday 30 October 2008

The SPEAKER (Hon. J.J. Snelling) took the chair at 10:30 and read prayers.

STANDING ORDERS SUSPENSION

Mrs GERAGHTY (Torrens) (10:31): I move:

That standing orders be so far suspended as to enable Order of the Day No. 2 to be taken into consideration forthwith.

The Hon. I.F. EVANS: Sir, I rise on a point of order.

The SPEAKER: A suspension is not required, that being what the member for Torrens is seeking to do. It can simply be done by a motion with a simple majority. However, I will take the point of order of the member for Davenport.

The Hon. I.F. EVANS: I understood that, for a change of order of private members' matters, we needed the agreement of all movers of private members' matters above the item. In other words, the members for Fisher, Stuart and Mitchell would need to be consulted about whether they are happy for that to occur. That has been the practice, I understand.

The SPEAKER: That is the normal courtesy, and I would expect the member for Torrens to have done that. However, the order of business is in the hands of the house. The question is that Notices of Motion and Order of the Day No. 1 be postponed and taken into consideration after Order of the Day No. 2.

The house divided on the motion:

AYES (23)

Bedford, F.E.	Caica, P.	Ciccarello, V.
Conlon, P.F.	Fox, C.C.	Geraghty, R.K. (teller)
Hill, J.D.	Kenyon, T.R.	Key, S.W.
Koutsantonis, T.	Maywald, K.A.	O'Brien, M.F.
Piccolo, T.	Portolesi, G.	Rankine, J.M.
Rann, M.D.	Rau, J.R.	Simmons, L.A.
Stevens, L.	Thompson, M.G.	Weatherill, J.W.
White, P.L.	Wright, M.J.	

NOES (12)

Chapman, V.A.	Evans, I.F.	Goldsworthy, M.R. (teller)
Griffiths, S.P.	Gunn, G.M.	Hamilton-Smith, M.L.J.
Hanna, K.	Kerin, R.G.	Pederick, A.S.
Penfold, E.M.	Redmond, I.M.	Williams, M.R.

PAIRS (6)

Breuer, L.R.	Venning, I.H.
McEwen, R.J.	Pengilly, M.
Foley, K.O.	Pisoni, D.G.

Majority of 12 for the ayes.

Motion thus carried.

MARBLE HILL (PROTECTION) BILL

Second reading.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (10:40): I move:

That this bill be now read a second time.

We have just seen the government set a very interesting precedent—that is, to deny members their private members' time and to use its numbers, without consulting members, to bring forward a matter not first in the order of precedence. The government is setting a very interesting precedent here. If it wants to play these games, we are very happy to oblige, and I would just make the point that the losers will be the government.

To cut to the issue of the bill, this is a very simple measure. It is a test of whether or not the Labor Party and the Rann Labor government value this state's heritage or whether they seek to flog off the farm—whether they value not only Marble Hill but also Carrick Hill, Government House, the Old Adelaide Gaol, Fort Glanville, and a range of other historic sites. I suspect the answer to that question is no. I suspect that the party that, during the Dunstan period oversaw the demolition of so much of Adelaide's heritage, wants to weave its work again.

I thank the staff from the department of heritage, particularly Richard Fox and Bob Inns, and Ann Barclay from minister Gago's office, for their briefing on this matter on 4 July. I also acknowledge Dr Patricia Bishop and Edwin Michell for their genuine desire to restore and preserve Marble Hill as a lifetime project. I also acknowledge the Friends of Marble Hill for their many years of work conserving and promoting Marble Hill and ensuring that it was open to the public. Mr Ernie McKenna recently retired as president of this group after approximately 14 years in the position. There is a group of people who love this site—which was, after all, built at great expense to the state.

The ruin at Marble Hill is an imposing landmark in the Mount Lofty region and is listed in the state's Heritage Register. Marble Hill was built as the summer residence for South Australia's early governors. Construction of the former governor's residence began in 1878, and land, buildings and furnishings cost around £36,000, a significant sum at the time. The 26-room house was completed in 1879 in a Victorian gothic revival style. In 1955, Marble Hill was almost totally destroyed in the Black Sunday bushfire.

The sale of Marble Hill by the Rann Labor government to private owners for use primarily as a private residence without enforceable guarantees of future access to the house—and that is what this is about, access to the house—sets an interesting precedent. If it is all right to sell Marble Hill to private ownership with no guarantee of access to the house by the people of South Australia, who paid for this building, who have loved this building for a long time and who presently own this building, why not other sell historic homes? Why not sell Carrick Hill? Why not sell Old Adelaide Gaol to entrepreneurs and let them turn it into whatever? Why not sell Fort Glanville? Why not sell any one of a range of heritage homes? Why not decommission the History Trust and flog off all its historic homes to private ownership with no further access to those buildings by the people of South Australia? That is where the Labor Party wants to take heritage matters in this state.

The bill allows the sale or lease of Marble Hill as well as the improvement or restoration of any Marble Hill building. It also allows the use of any part of Marble Hill for a variety of purposes and provides for the exclusion of members of the public for the purposes of health or safety, preservation of any Marble Hill building; or any other matter relevant to the proper management, conservation or protection of Marble Hill.

The heads of agreement between Patricia and Edwin Michell and the Minister for Environment and Conservation only provides for three open days and four pre-booked events. It is our view that 10 open days per year would be a suitable compromise, given that Marble Hill has previously been open to the public through the Friends of Marble Hill for 12 days a year, plus numerous additional pre-booked events.

It is very important for members to look at this heads of agreement. It is a bit like the agreement the Premier signed on the River Murray. It has holes through which you could sail the *Titanic*; it is a very loose and floppy document. When one looks through the fine print, there is no guarantee of access to the house at all—none whatsoever. The government intends to sell off the property in order to have it restored—and that is wonderful. I commend the Michells for that intention. The catch is that no South Australian will ever be allowed, necessarily, by this agreement into the house again. It is fine to have these things restored but, if they are never to be seen by the people of South Australia, then one might ask what is the point? Do the people of South Australia wave from the road or car park, never again to see this building? I put that question to the government.

It is our view that there must be some guaranteed public access to the building. It is our intention to deal with the issue through the heritage agreement, which would need to be approved

by parliament under this bill. We appreciate that Patricia and Edwin Michell have indicated that they plan to develop a museum, which will be accessible to the public on open days. But there must be a binding commitment to this heritage agreement. The brutal truth is that the owners today may not be the owners tomorrow. Who knows what may unfold? The Michells may well, through circumstances even they cannot foresee, pass on ownership to some other party who may care nothing for verbal commitments or best wishes agreed to by the Michells and go back to the letter of the agreement.

If the letter of the agreement provides for the shutters to be pulled down and the gates to be padlocked and the premises to never be seen by any South Australian, they may well do just that. It is the letter of the agreement that matters. Verbal agreements and best wishes mean nothing. It is what the agreement says that counts. Any lawyer and anyone who has signed a contract will explain to any member of the government who cares to take an interest that what is in the written agreement will determine, ultimately, the future of the building.

We recognise merit in the proposal by the Michells and commend their genuine commitment to preserving and restoring Marble Hill; there is no question of it. Although recognising their good intentions, intentions can change—as may ownership. The parliament must protect South Australia from the unforeseen. It is our view that the sale of Marble Hill without sufficient enduring protections through the parliament may be the tip of the iceberg and a dangerous precedent to the state's heritage.

Previously, this government has proposed changes to legislation about Carrick Hill and its incorporation into the History Trust. I note there was an effort by the government to do away with the bill that protected Carrick Hill in order to swallow it into the History Trust, so it lost its protections under the parliament's direction and guidance. Who knows what the later plan would have been? Would we have seen proposals to sell Marble Hill? Is this the government's plan? Is it the plan to flog off the register of heritage and the national estate? What is the government's agenda here?

I have had discussions with the proponents, Dr Patricia Bishop and Edwin Michell, who consider themselves to be historians and environmentalists with a genuine desire to restore and preserve this heritage site as a lifetime project. Also, we have had discussions with Ian Stephenson of the National Trust of South Australia, which is of the view that it would like to see some reasonable public access to the building, as well as the land, and a transparent process for any changes to the heritage agreement.

The arrangements in which the government has entered could see the minister, at the strike of a pen, change the heritage agreement as he sees fit—as we have just seen with the Masonic building on North Terrace, where the agreement has been varied and we will now get a major development. I have had discussions with the Friends of Marble Hill, and received phone calls and correspondence from a variety of people throughout the community about this matter.

Let me make the point—in case Labor MPs do not quite get it: South Australians do value their built heritage. They do value these buildings. They do value their National Trust. They do value these estates. Some of the friends support the Michells' proposal and some of the friends oppose the proposal. Surprise, surprise! I have had discussions with a range of other people who have a stake in the future of this building. There are a number of possibilities for it. A number of developments could have been proposed, and we certainly have no opposition to private interests and private investment in the building or other buildings, provided there is some access to the building for the public.

Although it is not a direct comparator, what has occurred at Mount Lofty House is an example of an historic home which has been destroyed by fire and which has been redeveloped but, because it is a function centre and a private hotel, it is accessible to the public. It may be something along those lines—that could be done better, by the way—could apply to Marble Hill. Frankly, we would be happy to accept the Michells' proposal, provided there is some access to the building. There is a simple compromise here. I say to the government that if it simply insists and requires some reasonable access to the building—not to the private rooms, but the public rooms—and some enforceable access, then the whole issue goes away. Michells can go ahead and develop their proposal. There will be an assurance that there will be some future access to the building, even if it is minimal, for South Australians (who built this wonderful residence) and we all can move on.

I just make the point—and let there be no doubt in the minds of members of the government: heritage matters are important to the Liberal opposition. There was a recent attempt

by the Mayor of Unley to bulldoze three cottages in Norwood. The opposition got involved in organising strong opposition from the community and assisting them through the issue. I note that the mayor and the council of Norwood backed down on that—and I commend them for it—and that the three cottages have been saved. I note the Premier lives approximately 150 metres away from the site.

We have other issues at the moment, with heritage homes being bulldozed in suburbs such as Unley, Burnside, Mitcham and throughout the city. At the moment, we have issues in the city itself where heritage buildings are being bulldozed at a rapid rate under this government. Apparently we have planning reforms coming forward that touch on this issue. I can tell members that we will be vigilantly reviewing those laws to ensure that we do not lose any more of our built heritage. There were proposals to ball and chain Old Parliament House. We lost the South Australia Hotel. We have lost so much over the years. Does this state Labor government now want to sell off the rest of the National Trust estate, the rest of our heritage homes into private ownership, with no guarantee that any South Australian, man or woman, will ever again set foot inside their doors? That is the precedent you are establishing here.

We do not object to the sale, although I think, as a principle, the private sale of these properties to individuals for use as a residence is of concern. However, provided access is guaranteed, as has been proved in other heritage homes in other states, it can be sustainable, provided there is access and it can be to the mutual benefit of the building. We would all love to see it restored. To suggest that it has no value as a ruin is wrong: it does have some value as a ruin. To suggest that no other propositions could be put to restore it is also wrong.

Concerns have been raised publicly about how the government approached this whole matter, the level of openness and the level of accountability regarding the whole process. I am not sure whether it was advertised perhaps as thoroughly as it could have been. Anyway, the point that I am making is simple. I am very happy for the Michells who are well intentioned people and who want to restore this beautiful building—no problems with that going ahead. We are simply trying to bring about some access to the building in the future should ownership change. That is all we are trying to achieve here.

It seems that the only way that we will achieve that is by supporting the bill, because the government has proven immovable on that point. I urge members to support the bill, or, as an alternative, I would be happy to consider the future of the bill, if the government would simply agree to ensure there is a fail-safe process to ensure that not only the Michells but any future owner simply provide some reasonable access to the house on a few occasions each year in the years ahead by their constituents, the people of South Australia. It was built by the people of South Australia: they deserve an ongoing access to at least a public building as we go on. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Preamble

The Preamble to the Bill provides a summary of the provisions in the Bill, which are to provide for the preservation, management and use of Marble Hill; and for other purposes.

1—Short title

This clause is formal.

2—Interpretation

Provides definitions of Heritage Minister, Marble Hill and Marble Hill building for the purposes of this Bill.

3—Preservation of Marble Hill

Subclause (1)

Provides that Marble Hill must be kept reasonably available as a community facility for the benefit of South Australians and visitors to the State.

Subclause (2)

Provides that subclause (1) does not prevent the improvement or restoration of any Marble Hill building or the use of Marble Hill for certain purposes so long as the principle established in subclause (1) is maintained.

Subclause (3)

Provides that a person in occupation of Marble Hill must ensure that Marble Hill is open to the public on at least 10 occasions, for at least 4 hours (between 9am and 5pm) on each occasion, in any calendar year.

4—State Heritage significance

Provides that Marble Hill must not be removed from the South Australian Heritage Register.

5—Heritage agreement

Subclause (1)

Provides that an approved heritage agreement must be noted against the relevant instrument of title before the whole or any part of Marble Hill, or the whole or any part of an interest in Marble Hill, may be transferred.

Subclause (2)

Provides that for the purposes of subclause (1), an approved heritage agreement is a heritage agreement under Part 6 of the Heritage Places Act 1993 that has been authorised by a resolution of both Houses of Parliament.

Subclause (3)

Provides that a heritage agreement entered into for the purposes of subclause (1) must not be varied so as to provide for a significant variation; or terminated, unless the variation or termination has been authorised by a resolution of both Houses of Parliament.

Subclause (4)

Provides that a notice of a motion for a resolution under this clause must be given not less than 14 sitting days before the motion is passed.

6—Dealing with land

Subclause (1)

Provides that subject to compliance with the preceding sections, the whole or any part of Marble Hill, or the whole or any part of an interest in Marble Hill may be leased or transferred.

Subclause (2)

Provides that a person or body in occupation of, any part of Marble Hill may exclude members of the public from a part of Marble Hill for any purpose related to health or safety, the preservation of any Marble Hill building, or any other matter relevant to the proper management, conservation or protection of Marble Hill or a Marble Hill building.

7—Endorsement on land record

Provides that the Registrar-General must endorse on any instrument or record of title or Crown holding for any part of Marble Hill a memorandum to the effect that Marble Hill is subject to the operation of this Act.

Ms SIMMONS (Morialta) (10:55): The government will be opposing this bill. This bill is not about protecting Marble Hill at all: it is about politics, not heritage. Although there has been some back down in the opposition's original position as introduced in the other place, let us be clear why the government brought this bill on at this stage. There was a risk that this sale could be in jeopardy because we fast approach the six-month period allowed in the heads of agreement and the opposition knows this. This bill is aimed squarely at preventing the sale of this site and, if it were to proceed, it is absolutely guaranteed that this property would remain a ruin.

A little history: Marble Hill, in the beautiful electorate of Morialta, was a summer residence of the governors of South Australia from 1879 until it was largely destroyed by the Black Sunday bushfires of 1955. It has remained a ruin and has been allowed to deteriorate for the past 53 years. The site comprises a ruined mansion, tearooms, caretaker's residence and about 22 hectares of hilltop land. The National Trust had care, control and management of the site from 1967 until 1992. Since then, the Department for Environment and Heritage has had operational management of the site, while Friends of Marble Hill (and some of those volunteers are here today) have provided valuable support and opened the site to the public.

Governments of both persuasions have not been able to find the funds either to preserve or restore the site. In fact, during all these years, the only significant work that has been undertaken was by the National Trust, and that is over 15 years ago, particularly, I am told, by Mr Ted Eling, but again on a very limited budget. In 1980, Marble Hill was entered on the South Australian Heritage Register and is now protected by the Heritage Places Act 1993. On 2 March 2007, public advertisements were placed seeking expressions of interest for the future management and development of Marble Hill because this site is no longer required for its original purpose.

A redevelopment at taxpayers' expense was not considered a responsible use of public funds. One expression of interest was received and, on 16 May this year, a heads of agreement

was signed by the former minister for environment and heritage (Hon. Gail Gago) MLC and Patricia Bishop and Edwin Michell. This heads of agreement outlines:

- the proposed sale at a future independent market valuation—it is currently valued at $815,000;
- provision for public access on at least seven days a year, including three open days and four pre-booked events—and these include such things as the Australia Day celebrations for citizenship ceremonies, which will go ahead again this year;
- intention of the proponents to explore opportunities for the continuing involvement of the Friends of Marble Hill (which I will discuss later);
- the proponents' commitment substantially to restore the residence under the guidance of a heritage architect and in consultation with the Department for Environment and Heritage; and
- the registration on the title of a heritage agreement making public access, conservation, maintenance and restoration requirements enforceable by a court, while preventing subdivision of the land forevermore.

The government still believes this is a good outcome and will see the ruins of Marble Hill substantially restored to its former beauty.

I am very disappointed that there is not bipartisan support for the Michell family. South Australians are very fortunate that Patricia and Edwin Michell are prepared to commit their time and resources to restore Marble Hill. The multimillion dollar restorations will incorporate a museum featuring the history of the property and its relevance to the state. The Bishop and Michell families are longstanding landowners in the district and have considerable passion for the restoration of heritage properties.

It is important to note that a key condition of the sale is that future public access to the site is assured for ever. I commend the Friends of Marble Hill for their valuable contribution in keeping the site open to the public over many years, and I thank them for their dedication. In recognition of this commitment, the Michell family has signalled its willingness to establish a working relationship with the Friends of Marble Hill and, accordingly, will look for opportunities for their future involvement if the friends wish. In fact, this last weekend saw a very, very successful new style of open day at Marble Hill. I quote from two pieces of correspondence I have received this week, as follows:

> Dear Lindsay,
>
> I am forwarding you a letter I received last night from the Hittman family, who are members of the Friends of Marble Hill and were volunteers at the Open Day at Marble Hill last Sunday. I think this conveys the sentiments of all of us who were there. It confirms that this style of public access, as envisaged under the new heritage agreement, i.e., run on behalf of and for the benefit of non-profit community groups, has been well received and supported by the local community.
>
> With best wishes,
>
> Patricia Michell

The second letter states:

> Hi Patricia and Edwin,
>
> Sunday was such an enjoyable day and everything went so smoothly. There was an atmosphere of excitement and interest, with all the volunteers introducing themselves to each other and all keen to help out with the setting up. Steve and Mitchell enjoyed manning the gates welcoming all the 100 visitors to Marble Hill, while Malcolm directed traffic for hassle free parking.
>
> The East Torrens Historical Society put on a wonderful afternoon tea out on the verandah and sold many books on local history.

And so it goes on, thanking the Michells for a great day.

The opposition should also note that an agreement registered on the certificate of title when the sale is finalised will prevent it from being subdivided. The heritage agreement will ensure the site's heritage values are protected and public access is guaranteed. I personally thank Patricia and Edwin Michell for the generous public spirit they have shown in their commitment to buy and restore Marble Hill to its former glory, while ensuring that public access to this important historical site will continue.

To bring members up to date since that announcement, the planned sale is on track and negotiations are continuing with the Bishop and Michell family. They have entered into a heads of agreement, which guarantees the restoration of this ruin, in full cooperation with heritage experts and the Department for Environment and Heritage. It guarantees public access on seven days each year, and it commits them to build, at their own expense, a small museum explaining to visitors the heritage and history of the building. It guarantees that there can be no subdivision of the 22 hectare site. Most people would see this as a win-win; indeed, the former member for Mayo, Alexander Downer, did. On 20 May this year, he put out a media release stating:

> I welcome the recent announcement by businessman Edwin Michell and his wife Dr Patricia Bishop to restore the historic Marble Hill. Mr Michell and Dr Bishop's enthusiasm for our local history is simply inspiring.

The East Torrens Historical Society, which worked so hard to make Sunday's open day, together with our own friends, so successful, also supports the Michell's ambition to restore the ruin. The society has written to the minister, stating:

> The membership of the East Torrens Historical Society wishes to express its support for the proposed sale of the Marble Hill property, as publicly announced in May this year. The building has been in a ruinous state for 53 years, and its condition continues to deteriorate. The transfer of ownership presents the opportunity to reverse this situation. If nothing is done soon, this heritage listed, sandstone building will gradually disintegrate over the next couple of decades.

I will also read into *Hansard* a letter to the Minister for Environment and Conservation from the secretary of the Friends of Marble Hill, Malcolm Dallwitz. I have been thrilled to work closely with this friends group, and I have been most impressed with their dedication to this historical landmark. The letter states:

> It is with some concern that I write in relation to the recent proceedings in parliament on the Marble Hill (Protection) Bill. As a member of the Friends of Marble Hill Committee for the last 15 years and currently secretary, I wish to point out that the views of Ernie McKenna and Ruth Russell are not those of the entire committee. Approximately half of the committee are pleased with the proposal by Patricia and Edwin Michell and believe that this is possibly the best news Marble Hill has had in the last 50 years.
>
> Patricia and Edwin have met with representatives of the committee, including Ernie, and have endeavoured to answer any questions and come to an arrangement for our ongoing participation.

So, what sort of support do these heritage enthusiasts get from the local opposition for their outstanding contribution to our state's heritage? They get this bill, which seems to be specifically designed to stymie what some members opposite see as a good deal by people who are doing the state 'a considerable service', according to the Hon. Robert Lawson in the Legislative Council debate on 18 June 2008. I would like to read the house a letter—

Time expired.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (11:06): I thank the honourable member for her contribution, and I thank the house for listening to the debate. I am a little disappointed that there were not more contributions, but I understand that the government has resolved to oppose the bill. I can count, so I know how this is going to finish up.

However, I will say that, as the bill has come out of all stages of debate, I am a little disappointed, particularly with the position of the member for Morialta. I think that, if she consulted with her constituents more broadly, she would find that many of them are very deeply committed to this building. It is a very important building within her constituency, and I think there will be alarm and concern if it is denied to them for ever.

I know that is not the intention of the Michells. I know they have the intention of opening the house, but there is no requirement for them to do so. Attitudes can change, and that is the weakness in the arrangements the government has struck. For some reason, the government is belligerently opposed to requiring of the proponents that there be access to the house at all.

This means that, should they choose, or should a future owner choose, they can simply meet the minimum requirements of this agreement by throwing open the gates; no need to advertise it. They could open it at 6am, or they could open it at some inconvenient time. They could give access to the grounds only. I do not think that there is any suggestion in the agreement as to how long it may be open—it could be five minutes, or whatever. I guess people could wave at the house from the car park, not allowed to ever step inside its portals. I think that is a real shame, because some of the great decisions in this state were made in this house. It was one of the first recipients of a telephone, which connected government house to the city. It has seen a number of

historic events. It is part of the history of this great state. What this Labor government proposes to do is to potentially sign it off to private ownership with no access to the public ever again.

I have written about this to the Friends of Carrick Hill, to the friends of a number of historic homes, and to a raft of groups within the community concerned about heritage matters, and I can tell you that there is concern about the direction in which this government is going. When we put together some of the things that this government is doing—with the decision today to oppose my bill—a picture is forming of a state Labor government that does not (as a nation and as a state) care at all about our heritage. The government wants to sell it off; it sees these things as liabilities to be sold off.

I foreshadow to the house and to stakeholders, including the Michells, that I have made the view of a future Liberal government very clear. As this deal between the government and the private owners proceeds, should we form government at some point in the future, let there be no doubt about what the view of a Liberal state government will be.

The Hon. J.W. Weatherill: So, you retrospectively override their rights. Is that what you are saying in this place?

Mr HAMILTON-SMITH: I am making the views of a future state Liberal government very clear.

The Hon. J.W. Weatherill: You make that clear in this place.

Mr HAMILTON-SMITH: The minister had an opportunity to speak to the bill, and he just sat there like a stunned mullet and said nothing; now he is chirping, chirping, chirping. Well, he had his chance to stand up for heritage matters—he missed it; it's gone. The bill will clearly fail, but I will just say to the government that there is something that it can now do: go back to your heritage agreement and require of the private owners at least some access to the house. If you did that, we would be satisfied, because the Michells will do a wonderful job of rebuilding this house. It will be worth a lot of money when it is finished, and the public should have some access to it.

Second reading negatived.

ENVIRONMENT PROTECTION (PRODUCT DEPOSIT SCHEME) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (11:11): Obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

The Hon. I.F. EVANS (Davenport) (11:12): I move:

That this bill be now read a second time.

Given the stunt pulled by the government this morning, I intend to be quick so as many private members as possible can get their items dealt with this morning.

This bill seeks to introduce a system that allows the government to introduce product deposits on more products than just containers. The house would be familiar with the container deposit—

The Hon. M.J. Atkinson: Your dad opposed it to begin with. He opposed the whole thing.

The Hon. I.F. EVANS: Another error of judgment. The house is familiar with the container deposit legislation. I was one of the—

The Hon. M.J. Atkinson: He didn't put it on containers, but now you want it on everything.

The Hon. I.F. EVANS: Madam Deputy Speaker, during question time the Speaker normally rules that interjections are out of order—on this side of the house.

The Hon. M.J. Atkinson: You don't like it, do you?

The DEPUTY SPEAKER: Order! The Attorney knows that interjections are out of order.

The Hon. I.F. EVANS: I will respond to the interjection, Madam Deputy Speaker. The Attorney should realise that I—

The DEPUTY SPEAKER: Well, that's also out of order, member for Davenport.

The Hon. I.F. EVANS: I am just going to clarify that I often have different views to my father. The house is familiar with the container deposit legislation that has been successful in South Australia. I was the first minister to expand the container deposit legislation to more containers. I

think there is now scope for the system to be expanded to other products. This bill sets up a framework within government that allows the government of the day to introduce product deposits on products other than just containers.

A classic example is electronic waste, which often contains heavy metals. It seems the perfect opportunity to consider deposits on some of the electronic goods so that the amount of waste going to landfill is reduced. I think that is a classic example for the introduction of product deposits.

Europe and other countries have producer extended liability, where the manufacturer of a product is actually responsible for the collection and recycling of the product. We do not have that here in Australia. So, I think product deposits is the way to go. If this legislation was adopted, it would make South Australia the first jurisdiction in the world—certainly the first jurisdiction in Australia—to adopt such a scheme.

We are all familiar with the container deposit legislation. It has been highly successful. There seems to be no reason why we should not consider introducing deposits (on the merit of each case) on other products to reduce waste and increase recycling. I do not wish to hold up the house any longer—

The Hon. M.J. Atkinson: Used former leader.

The Hon. I.F. EVANS: The Attorney-General says, 'used former leader'—it is the typical smart-arse remark you would expect from this Attorney-General. I just wish that the Attorney-General was not a part of the stunt this morning to bring on the matter about—

The Hon. M.J. Atkinson: I wasn't.

The Hon. I.F. EVANS: You were; you voted, Attorney. You were paired out; your pair was on the side of the government so, in effect, your vote was recorded as a pair for the 'ayes'. What you did this morning, Attorney, was decide you would rather debate the matter in relation to Marble Hill instead of victims rights—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order, the Attorney-General!

The Hon. I.F. EVANS: I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

CIVIL LIABILITY (RECREATIONAL TRAILS) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (11:17): Obtained leave and introduced a bill for an act to amend the Civil Liability Act 1936. Read a first time.

The Hon. I.F. EVANS (Davenport) (11:18): I move:

That this bill be now read a second time.

This bill puts our recreational trail network—specifically, the Heysen Trail, the Riesling Trail, the Kidman Trail, the Yurrebilla Trail, and others by regulation—on the same legal footing as public walkways under local government.

Currently walkways, trails and roadworks under local government are exempt under the Civil Liability Act. When we have recreational trails going through private property—à la the Heysen Trail, for example—it is always a huge problem to convince the private land-owner to allow public access onto their property because of fear of being sued for injury, etc. It seems to me that if the community wants the Heysen Trail to go through private property—in order words, public access to private property—then we should put that section of the private property on the same legal footing as trails on public property.

This bill does exactly that. It provides exemption from civil liability under the Civil Liability Act for those private landholders who allow the prescribed trails to go over their property. Obviously, it will then increase the recreational trail network, provide better security for those private landholders, and provide greater recreation opportunities for South Australians. I see the bill as positive, and I hope members will support it. I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

SPENT CONVICTIONS BILL

The Hon. R.B. SUCH (Fisher) (11:20): Obtained leave and introduced a bill for an act to encourage the rehabilitation of offenders by providing that certain convictions will become spent on completion of a period of crime-free behaviour; and for other purposes. Read a first time.

The Hon. R.B. SUCH (Fisher) (11:20): I move:

That this bill be now read a second time.

I will not take up much of the time of the house, because this is a reintroduction of legislation I have previously put to the parliament. I just want to quickly emphasise that this is for people who have committed a minor offence and who have been crime-free for a period generally of 10 years; except where a juvenile is involved, when the crime-free period will be five years, or where the person was found guilty without a conviction actually being recorded, where the crime-free period is defined as two years.

I emphasise that this only applies to minor crimes such as use of indecent language, perhaps urinating in a public place, and things of that nature. We are not talking about bank robbery, rape, murder, or anything like that. In any case, where the offence involved something against a person by way of assault that would have to be specially considered, as would any other matter which the Attorney-General, by way of regulation, determined should be considered by a judge before the conviction could be spent.

People ring me all the time asking when this will happen. I had correspondence from the Attorney in August, in which he said that the Standing Committee of Attorneys-General had been working on a national model bill. That is good, but we are still waiting to see what will eventuate. In his letter the Attorney-General said:

> …we had hoped to publish the bill soon after the March meeting and consider comment at the July meeting. Alas, publication has not yet occurred…I expect that the bill will be published soon and I will be glad to consider your comment on it.

As I have said before, I do not care who puts up the legislation; I am not looking for any particular accolades in respect of this. However, we have people in the community who did something minor or silly many years ago—in some cases 20, 30 or 40 years ago—and who still have that stain on their record that prevents them from getting on with their life and, in some cases, prevents them from visiting relatives in the United States. It is causing considerable and, in my view, unnecessary pain to those people.

I am keen to see this matter resolved quickly. If the Attorney can do it more quickly then so be it. Many jurisdictions already have this provision, and we all know that if you try to get all the Attorneys-General around Australia to agree, especially now that there are governments of different flavours, the process will take ages. You have to be realistic.

I would appeal to the Attorney: let the government back this bill, let us get it through the parliament, let these people get on with their lives, and let us remove something which is currently hindering them and restricts them from leading a full life long after they did something minor and silly. Let us see a little bit of what I would call forgive and forget. I commend this bill to the house and ask members to support it.

Debate adjourned on motion of Mrs Geraghty.

CIVIL LIABILITY (RECREATIONAL SERVICES) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (11:23): Obtained leave and introduced a bill for an act to amend the Civil Liability Act 1936; and to repeal the Recreational Services (Limitation of Liability) Act 2002. Read a first time.

The Hon. I.F. EVANS (Davenport) (11:24): I move:

That this bill be now read a second time.

This bill is the same bill I introduced during the last session of parliament, and it is a matter on which the government could not reach a position. This matter deals with the Recreational Services Act, introduced by this government, which has been a total failure. The Recreational Services Act requires recreational groups to introduce a code of practice to be approved by parliament, and then they receive certain benefits. The reality is that after six years of operation there is only one recreational code registered in South Australia, that being the miniature ponies, which is of great benefit to the Attorney.

This bill seeks to abolish that particular act and introduce a system of waivers, which is adopted in the New South Wales system. It is high time the government supported this bill and put it through, because recreational groups in South Australia are certainly disadvantaged as a result of the government's legislation. The simple reality is that we do not have things like bungee jumping and those sorts of higher risk activities in South Australia because legislation and insurance combine to prevent it.

I recently went to New Zealand and witnessed a number of higher risk recreation activities over there which are an absolute boon to their tourism industry. It is ridiculous that South Australia has put itself in this position. On the more local front, things like pony clubs are now virtually extinct in South Australia, the number having dropped from something like 38 down to about 10, because insurance and legislation combine to make it prohibitive for businesses to run.

There was an example at Balaklava where a motorbike trail park was closed because of insurance concerns due to this type of legislation. The parliament is well aware of it; the bill in question had been sitting on the *Notice Paper* for months in the previous session. I have reintroduced it here and I see no reason why the government should not support the bill, put it to a vote and get it through the parliament before Christmas. I seek the house's support for the bill.

Debate adjourned on motion of Mrs Geraghty.

ROAD TRAFFIC (HIGHWAY SPEED LIMIT) AMENDMENT BILL

The Hon. G.M. GUNN (Stuart) (11:26): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. G.M. GUNN (Stuart) (11:27): I move:

That this bill be now read a second time.

This bill is similar to the bill which I have introduced on a number of other occasions in this house, which provides for a maximum speed limit of 130 km/h on designated roads in South Australia. For the benefit of the house, I draw to its attention that it is road No. 2000, the Eyre Highway between Port Augusta and the Western Australian border; road No. 3400, the Barrier Highway between Hallett and the New South Wales border; road No. 1110, the road from Hawker to Lyndhurst; and road No. 1000, Stuart Highway between Port Augusta and the Northern Territory border.

I am sure that the Attorney-General is aware that these roads were constructed for speeds of that particular nature. I would point out to the house that this is a maximum, not a minimum, speed. There appears to be some misunderstanding by certain elements who do not seem to understand that people in the isolated parts of the state, and others who regularly travel over these long distances, strongly support this particular matter. When I raised this matter during the last election campaign, the erstwhile deputy premier decided to take a stick to me on it, and I thank him for that: he ensured that I was re-elected.

With all of the money spent and the activity that took place during that campaign, I increased my vote in Port Augusta. So, I must have done something right. This was part of my strategy, because I have a strong belief that you should attempt, at all times, to put into effect well thought out policies which your constituents want. A very large number of my constituents want this particular policy implemented, and I look forward to promoting it at length through the airwaves of the north of South Australia and on the local TV channels. The interesting thing is that lots of people in the corridors of this building come up alongside you and say, 'Yes, we support this.' However, when the time comes, they become nervous Nellies and they are gone.

The Hon. M.J. Atkinson: They are your Liberal colleagues.

The Hon. G.M. GUNN: Well, I am looking forward to the support of the Attorney-General.

Debate adjourned.

BAROSSA WINE TRAIN

Mr VENNING (Schubert) (11:30): I move:

That this house support the introduction of a trial tourist train operating between Adelaide and Angaston and further support the operator of the Barossa Wine Train in re-establishing the train service to cater for the increased tourism in these areas.

As members would know, the previous very successful wine train was launched in May 1998 by the previous Liberal government under then minister the Hon. Dr Diana Laidlaw, and I was the member

involved in getting it there. It was a fantastic success. The train (which still exists) was the old Bluebird many years ago: we used to go to school in the Bluebird train. The carriages are still in very good order and have been totally refurbished, and it is a waste to see them not being used today.

The train consists of three carriages, 1950s Bluebird cars, built in South Australia. They are very strong and unique. The rest of them have been brought up as crew cars for freight trains; because they are built so strongly they can put them within a freight train and they can pull the rest of the freight. That is how well they were built, back in the 1950s. Between 1998 and 2003, this train operated three or four days per week and carried about 15,000 visitors to the Barossa every year. The train paid its way every time it ran, and that is a fact we should never forget.

The rack rate of a standard return ticket was $55, and a premium day tour ticket was $140 in 2003. A day tour ticket consisted of return travel from Adelaide to Tanunda; a complimentary drink on board; visits to three wineries, including a vineyard walk at one; a two-course lunch; and gourmet food presentation. Unfortunately, due to the high cost of public liability insurance, as well as September 11 and the SARS incident, the owners discontinued the service in April 2003.

The Hon. M.J. Atkinson: The what incident?

Mr VENNING: SARS. Labor came into government a year earlier. I am not blaming that case for what happened, but it certainly did not help.

The Hon. M.J. Atkinson: So, why are you mentioning it?

Mr VENNING: If minister Laidlaw had still been there, I reckon we would still have had the train.

Mr Piccolo: Oh, crap!

Mr VENNING: I note the interjection of 'Oh, crap' from the other side. If you are going to interject in this place, you must be very careful, because this member, of all members, ought to be supportive of what I am saying and not say things like that. As he is the ex-mayor of Gawler and now the member for Light, I did not expect hear him interject with a comment like that. However, it has been done now and the member can follow me and cover that indiscretion if he wishes. I am sorry, but you did it.

Following this closure, there has been an uproar in the Barossa community. Many members of the community lobbied the government to step in and provide some support for the train so that it would continue to run. However, to date the train is still not in operation.

The Barossa Wine Train has since been purchased by a Mr John Geber, who is well known to many members of this house. He is an entrepreneur and the man who bought Chateau Tanunda, where the annual cricket match is held. Many members have been there and have been guests of Mr Geber. He is very happy to run the train without profit for up to three years in an effort to bring more tourists and money to the Barossa. He bought this train and saved it; it was going to scrap. These cars were going to be made into crew vans. Mr Geber rescued the iconic heritage train. The railcars had been languishing in open rail yards at Islington and had become covered in graffiti.

The train was well known internationally and within Australia as a premier tourist attraction, and it was brochured by all major tourism operators worldwide. I must have had at least a dozen trips on that train with guests from all over the world, including those here for the Australian bowling championship that I hosted here. I took them up there for one day, and that was a magnificent day.

The Hon. R.B. Such: The CPA.

Mr VENNING: The CPA also went on that wine train. It was so easy to entertain people from overseas when it was in operation. It was a day on the train. They were picked up in Adelaide and delivered back to Adelaide. There was no problem with drink driving. It was a great day. I cannot understand why we have not got it back.

Passenger numbers grew steadily from 2000 to 2003. In 2000-01 there were 11,000 passengers; in 2001-02 there were 12,000 passengers; and in 2002-03 there were 13,552 passengers (to be exact). The passenger wine train produced huge economic benefits to the Barossa Valley. A survey conducted in January and March in 2002 showed that, on average, each passenger spent $77.91. This meant that, based on the actual passenger numbers carried, total revenue in 2000-01 was $671,389; in 2001-02 it was $737,561; and in 2002-03 it was $1,120,160.

Queen Elizabeth, in fact, rode in the train during her visit to the state in 2002. So, really, what sort of an accolade do you need? In 2006, the Hon. Nick Champion, the then Labor Party president, wrote a letter to a strong supporter and campaigner for the Barossa Bluebird—

The Hon. M.J. Atkinson: And now the member for Wakefield.

Mr VENNING: —the name given to the wine train—and the now member for Wakefield—in which he said:

> In regard to the Barossa Wine Train, if the Rann government is re-elected, the South Australian Tourism Commission will liaise with TransAdelaide to determine if there is a case for the line being restored to a passenger carrying standard. Should the current or future owners of the Barossa Wine Train wish to reinstate the service, the Rann Labor government would naturally work closely with all parties to achieve that objective.

The Minister for Tourism also made a similar comment about the Rann government support for the train in July 2006. To fund a new service of similar standard was estimated in 2006 to cost around $7 million. That figure would have definitely increased now. It is up to the government to show its support for this train as part of the state's tourism industry.

The Minister for Tourism, along with the rest of the government, is the first to bask in the glory of the Barossa's success. Look at this week's *Advertiser*. This was demonstrated just last week, when the Barossa was named as one of the top 10 wine destinations by the world's largest online travel community, Trip Adviser. That is the largest travel community in the world, not just local South Oz. But, what do they do to support the region? The minister issued a press release about the announcement last week, stating:

> The South Australian government will continue to promote the Barossa's unique culture, heritage and acclaimed wine to the world. Being named as one of the world's top wine destinations shows just how marketable the region is as a tourism destination.

I agree completely with that statement, and I cannot understand that, although the state Rann Labor government is happy time and again to take credit for the results that the Barossa Valley attains with regard to tourism, it will not invest in transport to the region to make it easier for people to visit if they are staying in Adelaide. I wonder how well the Barossa would really do in the tourism ratings if the region was more accessible to tourists. The question is: will we ever know? How do people who arrive here by air and stay in a city hotel get to the Barossa if they do not drive or have an Australian driver's licence?

Finally, a person has bought this train, the rails are in place and used by a 3,000-tonne stone train every day, twice a day, but the government cannot allow this gentleman to run this train. It beggars belief when you read *The Advertiser*—

The Hon. M.J. Atkinson: It is not our line. It belongs to the Australian Rail Track Corporation.

Mr VENNING: Access to the track is controlled by Genesee & Wyoming, but the legislation says quite clearly that they have to give third party access, which is negotiable through the body that does that for the government. It is the same body that does the single desk. What is it called?

Mr Pederick: ESCOSA.

Mr VENNING: It is negotiable through ESCOSA. They are happy to do the negotiations. Genesee & Wyoming has said it is happy to go into negotiations. The problem areas were access to the track and public liability. I understand the minister has had discussions with Mr Geber, and others, but we just do not get anywhere. Can someone agree that by putting this service back it would further foster tourism numbers in the region? Do you agree, or do you not agree? All I know is that nothing is happening.

When this service was put up in the first place, minister Laidlaw, at times, got up and said, 'We will do it,' and then made sure that she did do it. She went out and said to her advisers, 'Make it happen.' And, do you know what? It happened. I take my hat off to that person. Of all the ministers I worked with, she was a can-do, make-it-happen minister. We have too many ministers over there now, and we have heard about the duds. There are five of them who are absolute duds. I got another letter today from the minister, but there is never an offer to help. There is every reason why she cannot help. They do not answer their correspondence. It is no wonder you have got a backbench upheaval. It is arrogance in the extreme. She treats you as she treats us. I am happy to name the five, if you wish—

Mr Piccolo: Yes, go ahead.

Mr VENNING: The Minister for Tourism is one. She is so arrogant that she does not attempt to address this situation. All I can say is—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: And you are another one, Attorney-General.

Mr KOUTSANTONIS: I have a point of order, sir. I ask that the member withdraw and move a substantive motion if he wishes to make personal reflections on members.

The SPEAKER: No, I do not think that is a personal reflection.

The Hon. M.J. ATKINSON: I have a point of order, sir. I ask that the member for Schubert not refer to me in the second person singular or the second person plural. He will refer to me by my parliamentary name.

The SPEAKER: Yes, I uphold the point of order. The member for Schubert, when referring to members opposite, should not use the word 'you' but refer to them by their parliamentary title.

Mr VENNING: I apologise, and I apologise for raising this matter. I did not intend to raise that issue. I was invited by interjections over there to name them, so I did. Check the record: it is in *Hansard*. There is nothing in my notes to refer to who the duds are.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney!

An honourable member interjecting:

Mr VENNING: The two ministers in the other house, for a start—the Hon. Carmel Zollo and the Hon. Gail Gago. I cannot understand how you can sack a minister like the Hon. Steph Key, who was a good minister. She was one of the ministers who always helped us on this side. She found every reason to say, 'I will do what I can for you.' But you put in a person like the Hon. Gail Gago!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney! There is a point of order. The member for Newland.

Mr KENYON: Sir, I suspect the member for Schubert has strayed somewhat from the substance of the debate on this topic.

The SPEAKER: I think the member for Schubert has been responding to interjections, which he should not do.

Mr VENNING: Can I also say the Hon. Lea Stevens, who as a minister for health was up against arguably one of the best shadow ministers in this place (Hon. Dean Brown), was sacked. I thought, to be fair, rather than sacking her, you should have given her another portfolio, because she was a good minister. She did a bloody good job against a very experienced ex-minister who still had all his contacts there. And you sacked her! I do not think it was fair that you did that. I believe in being straight and fair. Before my time expires, I mention the Hon. Jennifer Rankine. How did she get a ministry in front of three or four very good operators? How has the member for Enfield missed out?

The SPEAKER: Order! The member for Schubert needs to start talking about the Barossa Wine Train in the next 30 seconds.

Mr VENNING: I will be relevant.

Mr RAU: I have a point of order, sir. I do not know whether the honourable member was seeking to say something about my grey hair, but I am not his uncle and I am not old enough to be, I don't think.

The SPEAKER: There is no point of order.

Mr VENNING: All I am asking is that the government give us ministers who are cooperative, who make things happen and who are honestly diligent. I support the motion.

Mr PICCOLO (Light) (11:45): I rise to speak on this matter—

Members interjecting:

Mr PICCOLO: I do not have enough time actually. I have only 10 minutes. I move an amendment to this motion. I move:

That the house expresses its willingness to work with the owners of the Barossa Wine Train to see its return to service.

The Rann government supports the return of the Barossa Wine Train. However, it believes it should be owned and operated by private enterprise. Having said that, it does not mean that the state government does not have a role to play in bringing this iconic train back into service. Clearly it does.

In recent years the government has provided advice and assistance to the Barossa Wine Train owners. I take this opportunity to stress that nothing has changed and that the government will continue to offer support to facilitate the train's return to service. As usual, Mr Venning's motion is ambiguous because it does not make clear whether the trial tourist train is intended to be the Barossa Wine Train or some other train. The only other rail vehicle option in South Australia that might come into consideration would be the use of TransAdelaide railcars, which are limited to suburban operations because of the lack of onboard toilet facilities.

Mr Venning should note that all Great Southern Railway's carriages operate on standard gauge wheels, effectively eliminating them from broad gauge Barossa Valley line. Tourist trains should not be confused with suburban rail services. Both are mutually exclusive, catering for entirely different markets with different motivations to travel and differing expectations, and focusing on different times of the day. In this light, it is reasonable to assume that Mr Venning's motion relates to the reintroduction of the Barossa Wine Train. This ceased operations in April 2003 when public liability insurance premiums spiralled to unaffordable levels.

A state government project team was established in 2006, comprising representatives from the Department of Trade and Economic Development, Department for Transport, Energy and Infrastructure, the Department of the Premier and Cabinet—and I can see Mr Venning is very interested in this debate—and the South Australian Tourism Commission, with the intention of assisting the owners in getting the wine train back on track. The honourable member has left the chamber: that is very unparliamentary because I am not supposed to say that he has left the chamber.

In 2006 funding of $50,000 was offered to the train's operators by the Premier on a one-off basis. Up to $30,000 represented a previously committed contribution from the South Australia Tourism Commission to the train's owners towards a mutually agreed cooperative marketing plan. Subject to committing a clear return to service, the South Australian Tourism Commission would work closely with the train's owners, with a view to assisting in the development and distribution of the product and devising cooperative marketing initiatives to promote the experience, both locally and interstate.

I understand that the remaining $20,000 (sourced from the Department of Trade and Economic Development), initially intended towards storage of the train, would now be renegotiated. While the government is keen to support a private operator resurrecting the Barossa Wine Train, we are now at the point where the onus and commercial incentive lies with the train's owner rather than the government.

The house should also note that the line beyond Nuriootpa to Angaston is currently not in good condition and has not seen any rail movement for several years. Some resleepering would be necessary and the rail in the vicinity of the—

Mr Venning interjecting:

Mr PICCOLO: I am sure it would be; I am happy to—Angaston Cement Works is reported to be in poor condition. In the interests of the taxpayers, no investment in track rehabilitation should be contemplated for a trial service to operate as far as Angaston. However, I am advised that pivotal matters, such as track access, insurance, railcar storage and overall condition of the train, are hurdles that can be cleared.

I am advised that the key outstanding issue is achieving accredited rail safety status—something which Mr Venning neglected to mention.

The Hon. M.J. Atkinson: Didn't talk about it.

Mr PICCOLO: No; we do not want to deal with the facts.

Mr Venning interjecting:

Mr PICCOLO: Well, putting rocks on the train and putting people on the train are two different things in terms of required safety standards. It should be stressed that direct government intervention would be inappropriate at this time. It is something to which the owner has to devote energy and resources in order to achieve the required status. For its part the Rann Labor Government remains committed—as do I as a nearby local member—to assisting with both funding and advice in order to get the train on track.

Mr Venning: Nothing happens.

Mr PICCOLO: Nothing happens? It was a rhetorical question, rather than a statement, Mr Venning. With this in mind I move an amendment to the motion. I cannot support Mr Venning's motion in its original form. It is lacking clarity and reflects Mr Venning's lack of knowledge of what is required. He expects the government to write a blank cheque. His motion means that the government would write a blank cheque. The government is not opposed to writing a cheque, but it wants to know what the numbers are. Mr Venning has stood up, as he always does, and asked the government to write a blank cheque.

Members interjecting:

The SPEAKER: Order!

Mr PICCOLO: I have got the opposition excited: it is nice to see.

Mr Venning: Say something encouraging, something helpful.

Mr PICCOLO: You are upsetting the gallery, Mr Venning. Just to remind the house, the track from Nuriootpa to Angaston does not meet passenger train standards and therefore it cannot be used. The owner is at liberty to re-establish a service—

The Hon. M.J. Atkinson: Resleeper it. We will add that to the list. There's another one—k'ching.

Mr PICCOLO: K'ching, that's right. I reiterate that the government stands ready to work with the owners to facilitate and support the reintroduction of the wine train, but we need to do it on sound terms.

The Hon. R.B. SUCH (Fisher) (11:53): I will make a brief contribution. I think this is worth exploring. I know there are difficulties with insurance and so on, but I think it is something worth exploring. The Barossa wine train was great and it would be good to see it reintroduced. I will briefly comment on a proposal to reintroduce steam trains on the hills line. I originally wrote to the Minister for Tourism and Minister for Transport, and the answer came back, 'It is too difficult on the broad gauge because you can't turn them around at Belair anymore', even though there is a watering point at Blackwood and there are some railway stations which have bypass infrastructure. Essentially, you get a negative response.

I then wrote to the CEO of Great Southern who said, 'Look, on the standard gauge, you could run a steam train from our Keswick terminal'—Parkland Station as it is now called—'up to Tailem Bend where there is a turntable.' I also wrote to the CEO of Australian Rail Track Corporation, who said, 'Look, there is no problem in running a stream train on the standard gauge line.'

I am waiting to hear back from the government in detail, but the preliminary response has been, 'We do not want a steam train in the Adelaide Hills because that might take people away from steam trains elsewhere.' That is a silly response, because the people who will use a steam train on a Sunday or a public holiday in the Adelaide Hills are not the same people who will use the Pichi Richi or any other steam train.

The point is: I have to ask whether the government is fair dinkum about promoting tourism in this state and providing opportunities not only for tourists but also for locals. What we get back is a can't do approach. The government says, 'Oh, it's too difficult,' but when you talk to the private sector—Great Southern, Australian Rail Track Corporation—they say, 'Yes, you could run it on the standard gauge.' The government does not seem to be interested in doing anything for Adelaide. It wants it to remain a retirement village, and it is very much in that category at the moment, in my view. We might as well all sit around knitting or doing a bit of crochet, because any time there is any suggestion of something to be investigated it is too difficult; not now; not interested. The Hills train would be a fantastic thing and very popular and, likewise, the Barossa Wine Train.

We find this is happening increasingly in South Australia, and I think it is because the bureaucracies run the government and control most of the ministers, although there are a couple of exceptions. Most of the ministers are just a mouthpiece for the bureaucracy. The bureaucracy says, 'Can't do it; too difficult.' The ministers let the bureaucrats run them and so, if the bureaucrats say, 'We can't have tourist trains: too difficult, too messy,' then we do not have tourist trains. I believe the government should take control of the Public Service. The Public Service is meant to answer to the government. It is supposed to act in response to what the government wants, but at the moment what we get is, 'Can't do; too difficult,' and so we all sit around watching ourselves gradually get older.

I believe this motion from the member for Schubert needs consideration, along with the introduction of a steam train in the Adelaide Hills, but both require some effort and a commitment from the state government.

Mr PEDERICK (Hammond) (11:57): I rise to support the member for Schubert's motion. I think it just smacks of the government's utter disregard for the regions. I mean, you would think the Barossa Valley, somewhat like my electorate—

The Hon. M.J. Atkinson: We hold the federal seat.

Mr PEDERICK: —with the town of Murray Bridge, were at Birdsville, or somewhere, the way this government acts. All the funding that this government provides is dovetailed directly to votes. The odd Labor voter in the regions does not even get a crack. This government was not even going to select a candidate in the seat of Mayo at the federal election, if you want to talk about federal politics.

Mrs GERAGHTY: Mr Speaker, I rise on a point of order. I do not think the member opposite has started debating the motion at hand at this stage. I hope he comes to it very shortly.

The SPEAKER: It has been a wide-ranging debate covering a number of issues. I will listen to what the member for Hammond says, and if I think he is straying from the topic of the debate, I will pull him up.

Mr PEDERICK: Thank you, Mr Speaker. I will refer to railroads and the fact that so many backbenchers over there have been railroaded in their ambitions to come forward. What I would like to say, getting back to the Barossa Wine Train, is that I think it is disgraceful how this government just ignores—

The Hon. M.J. Atkinson: You are such a talent. You make Peter Lewis look balanced.

The SPEAKER: Order! That is a reflection.

Mr PEDERICK: It's all right, let him carry on, I don't take any notice of him, Mr Speaker. I would like to say that it is an absolute disgrace the way this government treats the regions. If it is above Gepps Cross or below Glen Osmond, they do not even know it exists because only one government member lives in the regions, the member for Giles, and it would be too far for the Attorney-General to cycle his bike. I do support the member for Schubert in his many endeavours in that seat. Apart from trains, it is hospitals, ferries. I support his enthusiasm. I can understand why the Labor government does not wish to put any money into his area. He has made it such a safe seat, and I commend the member.

Mr RAU (Enfield) (12:00): I want to get into this very, very interesting debate and touch on a couple of highly relevant matters that were raised in particular by the member for Schubert, who was really, really on the money all the way through his contribution; he was very, very relevant and whatever.

I know that he cares a great deal about his electorate. I have had the privilege of going out there. I remember I was there with the member for Fisher on a parliamentary trip very soon after I entered parliament. We were met by the member for Schubert, who was fulsome in his description of the marvellous area. It is to his credit that he takes every opportunity to boost his electorate. He is a real booster; I think that is what you could say. He is a booster for Schubert. He really is a booster for Schubert. If there is anything in the Barossa Valley that he can give a bit of a run and run it up the flagpole to give it a boost, he does it. I know that his electors are very appreciative of what he does.

Mr PENGILLY: On a point of order, Mr Speaker, I have been waiting for the member for Enfield to actually talk about the Barossa train.

The SPEAKER: Order! I think the member for Enfield is responding to things the member for Schubert said in his speech and, in that case, he is in order.

Mr RAU: I'm building up here; I'm building up. This is what you might call the pre-oration. So, where were we? That's right: we were in the Barossa Valley. The people there are very, very appreciative, I am sure, of the work done by the member for Schubert. He has been there for some time, and he has been very consistent. I know he is genuine in his wanting to see the wine train re-established and to have tourists coming through the area. I know he genuinely wants to promote the many magnificent sites and vistas that one can enjoy in the beautiful Barossa Valley, and I have a great deal of respect for that. Some of my forebears lived in the Barossa many years ago, so there are many reasons why I think it is a great place.

I have thought about this very deeply and listened very, very carefully to the points made by the member for Schubert—and he made a number of points, but actually not a great many on this point, so I have put the other points aside, and I am just focusing on the things he said about the train. I think we have some agreement, actually, between the member for Schubert and the amendment moved by Mr Piccolo, and it is really this: both of you reckon it is a good idea for a train to be going out there to the Barossa to bring in the tourists. I think both members would agree on that.

This is almost like a mediation! Imagine you are in Reykjavik, and you are sitting across the table, and you two blokes have a flag in front of each other. You know, it is Reykjavik: Mr Piccolo can be Ronald Reagan if he likes; Mr Venning can be Mr Brezhnev or Gorbi. You are sitting there across the table, and you have the two flags stuck in front of you. We are trying to remove the points of difference. We are starting to build consensus, Mr Speaker; I can feel it. It is evolving; it is sort of oozing out of the substance of this.

The great point of consensus is that everyone loves the Barossa; everyone thinks that the member for Schubert loves the Barossa; everyone in the Barossa who votes Liberal, or at least most of them, love the member for Schubert; and the member for Schubert would love to see lots of tourists come to the Barossa in a train to see the great sites, drink the great wine and go safely home without having to drive through a few radars. The amazing think is that we have complete consensus here, don't we?

Mr Piccolo: We do; we do.

Mr RAU: The honourable member who moved the amendment agrees with all of that. I can just feel an ecumenical moment building. Look; what you two gentlemen might care to do is to adjourn the debate, go off and have a glass of the magnificent product that comes from the member for Schubert's electorate—he can select it because he knows more about that than any of us here, except possibly the member for Elder, who is well known for his—

The Hon. P.F. Conlon: And then I could take the train home.

Mr RAU: And then take the train home; that's right. In the moment of enjoying the berry, you might be able to work out a form of words you are both happy with and present it here as the communiqué—you know, the thing you sign at the end of a summit. That is my suggestion.

If that does not work, I am supporting the amendment, because I think it takes into account a more realistic funding model that does not involve the government in giving a blank cheque to whoever might wish to be the operator. Having said that, I have to say that that is very much my second option. My first option is the ecumenical moment; the communiqué. They have these semicircular things they rub over the signatures. They are like a rolling pin with a bit of blotting paper on the bottom of them, so the moment is properly preserved.

I can see the two honourable members there with this resolution, both of them signing it—I am happy to officiate with the blotting paper if that will help—and bringing the thing together, and I think we will have an outbreak of consensus. That is my suggestion. I think both members have emphasised too much their points of difference. After all, they agree on almost everything, and it is lovely to see it; it really is. I am so moved, Mr Speaker, I cannot go on.

Mr VENNING (Schubert) (12:07): I thank those who have participated in the debate. I do apologise for getting off the track during my presentation, but I was not only provoked but I was also invited to do so.

Mr Pederick: You were right on track, Ivan.

Mr VENNING: Yes, I was on track; pardon the pun. I have no problem with the amendment, really. The amendment states:

That this house expresses its willingness to work with the owners of the Barossa Wine Train to see it returned to service.

I have no problem with that. I congratulate the member for Enfield on his fine speech a moment ago. I know you could say that some of it was tongue in cheek, but I take all accolades—whether they are from the member for Enfield or the member for West Torrens, I don't care. I remember when the previous deputy leader (the Hon. Ralph Clark) used to call me the lion from the Barossa. I know that it was all tongue-in-cheek, but it does not matter; I will take it all. I am happy to put it on my resume.

I appreciate the words of the member for Enfield. The member for Light and I basically have the same premise. I get so frustrated, because we have a person here who has had the courage to buy this train and save it from the scrappers. As I have said, he is happy to run this train without profit for some time just to re-establish it. It will not be instant overnight success—we know that. It will probably take 12 or 18 months to two years to get up to steam—pardon the pun, again.

This guy has bought this train. The rails are there; we do not have to lay any track or do any work. We just have to get through the red tape and the bureaucracy with ESCOSA and negotiate access with the owners, Genesee & Wyoming. They understand that. We can negotiate that. We can put a speed limit on the train for safety. We can re-sleeper the line between Newry and Angaston, if we wish to get there, but we can get to Newry without doing anything. If we want to go to Newry and then Angaston, the track has to be upgraded—as the member for Light correctly said—and that does not need to be government money.

I apologise for picking on five ministers. It is all about the 'can-do' mentality, and we have ministers with that mentality. I will mention one: the Hon. Paul Caica. He is a 'can-do' minister. He is helpful and he has the right attitude. When one makes an inquiry, he will try to help, and he will give you options. If he cannot help you, he will give you advice. Other ministers do not even answer their correspondence.

If the Hon. Jane Lomax Smith had the same mentality as the Hon. Diana Laidlaw, I am sure that this train would be back on the rails by now. I am happy to support the amendment which would now become the motion—anything in a bipartisan approach to achieve the goal, and that is to get the train back on the tracks. It would be lovely to have the train back on the tracks before the next Barossa Under the Stars, which is a major event in the Barossa. We really do need a train like this. We could run three or four services on that night, because people do not want to drive, and accommodation is not available for all the people who will be there.

I thank members for their contribution, particularly the member for Enfield. I hope that the member for Light and I, in a bipartisan way, have a similar interest here, because it involves his electorate as well as mine. I must say that I love my electorate with great passion. I recently spoke to the media who were doing a piece about those of us who live in our electorates. I come from Crystal Brook, which is a long way from the Barossa. All I can say is that the system dealt me this electorate, and I am so pleased and proud that it did, because I have an opportunity to represent people from elsewhere.

The Hon. G.M. Gunn: Do they love you, though?

Mr VENNING: They do love me, because they keep voting for me. The opportunity to represent one of the greatest electorates in Australia has been fantastic, and I have done so with some gusto. As the member for Enfield said, I do it with passion. All I can say is that, if we can fix this, I will be very pleased. I urge the house to support the amendment.

Amendment carried; motion as amended carried.

MOBILONG PRISON

Mr PEDERICK (Hammond) (12:11): I move:

That this house—

(a) condemns the government for not conducting adequate local consultation on the effect of the proposed extensions to the Mobilong Prison facility, having regard to the need for improvements in public infrastructure services to cater for an increase in prisoner transfers and visitations as well as prison staff; and

(b) calls on the government to consider the increased load on local infrastructure and services and, as a matter of urgency, prepare and publish a regional impact statement in relation to the said extensions.

I refer to the news release on Thursday 21 September 2006 (budget day) that Mobilong would be expanded to accommodate 760 men and 150 women prisoners. This has since been expanded to 940 men and 230 women. The news came as a surprise to the local council—the Rural City of Murray Bridge—as promises had been made by the government that the council would be informed before any announcement was made. During question time, I asked the Attorney-General:

Why did the government fail to advise the Mayor and the Rural City of Murray Bridge Council that the new prison would be located at Murray Bridge before the announcement was made?

The following explanation was given:

At a meeting with council in June 2006, attended by a correctional services CEO Peter Severin and the Director of Prison Infrastructure John Case, Mr Severin informed council that there were no plans for any site in South Australia at that time. At the same meeting, Mr Severin said he would engage council if, and when, Murray Bridge became an option for the new location. He further advised that thorough community consultation and engagement would occur prior to any decision.

The Attorney-General's reply was, 'All will be revealed in the budget'. Later in the afternoon session, the Treasurer announced the project as part of the Appropriation Bill. The Treasurer said:

A new prison precinct will be established near Murray Bridge. The precinct, adjacent to the existing Mobilong Prison, is expected to be fully operational by 2011-12. The precinct will include: a new 760 bed—men's prison—increasing capacity from the overcrowded Yatala Labour Prison by 419 beds; and a new 150 bed—women's prison—increasing capacity by 58 beds.

In the same speech, the Treasurer said:

As a result, the Yatala Labour Prison and the Adelaide Women's Prison will be closed. Also removed from the Northfield site will be the pre-release centre, and that land will be available for to the development.

He added:

The new prisons will free up the Northfield site for significant housing development.

This development will generate significant additional revenue for the state in so many ways, revenue it seems it is not prepared to share with the Rural City of Murray Bridge council, which will be faced with many additional infrastructure and service costs as the expansion is constructed and becomes operational.

In the same question time session before the Treasurer's announcement, I also asked the Attorney-General the following question:

Will the Attorney-General advise the house what plans the government has made to upgrade existing infrastructure and services at Murray Bridge to cater for the significant increase in activity resulting from the projected tripling of the current prison capacity?

—to which I added the following explanation:

The Chief Executive Officer of the Murraylands Regional Development Board has raised concerns regarding the adequacy of current services, including housing, transport, education, health, mental health and counselling services.

In his reply the Attorney-General was again evasive and deceptive, choosing to avoid answering the direct question about government plans to support local council and even implying that he did not know for sure what was in the budget—and that announcement was due within the hour. He also suggested, quite incorrectly and unfairly, that the council and I were ungrateful for the decision to place one of the state's major prison facilities near Murray Bridge, again avoiding the obvious point that promises made and common courtesies had been ignored in the government's attempt to make political gain from the announcement.

The success of such a major project will depend in part on establishing a relationship of trust and cooperation between the two levels of government—something this government clearly does not respect or understand. The point of my question, which the Attorney-General so deliberately avoided, was that the government had failed dismally in providing a reasonable level of communication—more particularly, two-way communication—with its intended project partner. Despite assurances from various government sources to the contrary, this has continued.

The Rural City of Murray Bridge council formed the New Prisons and Secure Facilities Project Working Party specifically to consider and identify matters of importance and concern to the

community and to provide a discussion forum for the interested parties to maintain communication on the numerous areas of concern. The group includes local government officers and councillors, the local regional development board, local public services (including hospital and police), local health services, representatives from prison infrastructure, the Department of Health, mental health operations, transport organisations, the Office of Regional Affairs, and other interested community groups and services. Council has acknowledged that the participation and cooperation of these various departments and services is welcomed, but its attempts to elicit reasonable responses from ministers in some departments have been less favourable.

In the minutes of the working party's meeting of February 2008 it was 'noted and appreciated that the department of corrections continue to work with council on this project'. The minutes of a subsequent meeting on 16 May this year noted that on 7 February council had written to the minister concerning several items of infrastructure, including the upgrade of Bremer Road, stormwater systems, independent overflow to reduce the drain on council services during storms, internal development of the site, and bus services. At that time, on 16 May, no substantial response had been received from the minister and it was resolved to again write to the minister requesting a response to matters raised.

On 21 May a letter was received from minister Zollo explaining that the matters had been referred to appropriate staff to investigate and prepare briefing papers for the government to consider. It is my understanding that relevant discussions took place, although no subsequent response was made to the local council. In her letter of 21 May, minister Zollo also pointed out that, as Minister for Correctional Services, she was unable to respond to the matter of public transport services between Murray Bridge and Adelaide. She explained that that was a matter for the Minister for Transport.

This has highlighted one of council's continuing frustrations: the need to deal with so many different ministers for the various aspects of the development. At the most recent meeting of the working party on 15 October, Mayor Arbon again referred to this problem and its capacity to hinder inquiries and progress on their deliberations. It must be said a state government cross-agency project steering committee has been formed, but the council's request to have an observer present at its meetings has been refused. It seems that the lack of efficient and productive communication is a recurring theme within this government.

Council has been left holding the baby on several other aspects of this development. The issue of whether the development would be a rateable project is now the subject of conflicting advice. It was understood, through minister Zollo, that as it was a public-private partnership it would be rateable. Council believes that this will be a state prison, not a regional one; and as such it should not be required to subsidise the project. Since that time it has been made clear that Treasurer Foley has no intention of paying council rates, to such an extent that he would be prepared to change legislation in order to avoid doing so.

The matter of transport service needs has the potential to become a critical factor in this expansion project. Locating such a major prison facility in a regional centre some 80 kilometres from the city hub from where regional transport services depart will present many challenges to a transport system that is already regarded as inadequate. The transport needs of visitors, staff, staff families, and others whose professions will require them to meet with prisoners, will require frequent and regular services that currently do not exist.

Council's view, which was shared by others, was that a metro ticket system should be introduced, and early indications were that such a system could be dovetailed with the requirement for visitors to book their visits in advance. Council has since been advised that there will be no metro ticket service, the reason being that it might set a precedent for other peri-urban areas to demand a similar service. As the mayor pointed out at the time that statement was made at the working party's October meeting, this is hardly a precedent. Other regional centres close to the city are not playing host to a very substantial state facility; therefore, there is no precedent.

There was enthusiastic agreement at that meeting that efficient, effective transport will be vital to the success of this project. There was much debate about the likelihood of people relocating to live in the district, a factor which greatly affects demand for transport services, both prison-specific and public. Some previous experience suggests that two-thirds of the estimated 500 workers will relocate, but the suggestion has been put that many would choose not to uproot the entire family for a commutable distance.

As for families and partners of inmates, the belief is that, as the facility will be high security with many inmates serving longer terms, their families will relocate. Other experience indicates that the socioeconomics of inmate families will limit the number that are willing and able to shift. A study of the same matter in Lithgow determined that were very few partners or families who relocated to that town. It is easy to see how these factors will place high demands on transport services.

The last direct contact with the minister on the bus problem was in mid-July, which resulted in an assurance that the government would investigate some 'creative ways' to solve the problem. One can only guess what they may be, and whether the problem the government seeks to solve creatively is the actual transport problem or that of finding a creative way to shift the responsibility and cost of a solution to local government and the community.

The council has been extremely proactive in addressing the social impact of the prison expansion. It has conducted public forums and established the New Prisons and Security Facilities Project Working Party to identify and consider all of the concerns the local residents and business community have in relation to the potential effects on local infrastructure and services. This has led to council—I stress 'council'—having to commission a Strategic Community Impact Study to deal directly with the social impact and ultimately develop a regional action plan.

I applaud council's initiative in accepting responsibility for what would seem to be a state government responsibility. An approach to the government to fund this project was rejected, partly, I am told, because notice was too short. It would not have been unreasonable to think that far from claiming too little notice, government should have recognised the inevitable need for such a project during the prison expansion planning stage and initiated it itself.

While another application for funding may be lodged, it seems unfair that a substantial amount of ratepayers' money should have to be committed to a project that was precipitated by a state government decision to build a state facility.

Another facet of government's lack of understanding of or care for the social impacts of this expansion is in its response to an inquiry concerning the capability of local schools—preschool, primary and secondary—to manage the influx of a possible 500 extra students. The Department of Education and Children's Services reply to that inquiry declared that an assessment had found that the DECS-owned schools have:

> Adequate capacity in teaching space accommodation to absorb the addition of almost 500 primary and high school students.

It goes on:

> The establishment of the new prisons and secure facilities in Murray Bridge will have no impact on the school system in the region and...education facilities will adequately accommodate any additional families moving in to the area.

This response drew gasps of disbelief when it was read out at the October meeting. The reference to 'teaching space accommodation' could well be a carefully chosen phrase, but nobody could seriously believe that floor space alone would provide adequate education for students. Adequate education is a product of many things, of which space itself is only one. Is the department referring to yard space or classroom space? Is it proposing to dump some old transportables on even more of the open space that is treasured by staff and students? Has it considered that some of these additional students may require additional services and support such as special counselling? Has it established adequate interagency support from the district office?

Perhaps most disturbing of all: the funding cuts proposed by this government will reduce the capacity of many schools, including some in Murray Bridge. Was this possibility factored in to the DECS response? Not very likely. It might make an interesting agenda item for a meeting of the State Government Cross Agency Project Steering Committee, to which council has been denied access.

In my closing remarks I would add that there will be no room at the local hospitals and no room at the local clinics. The health authority have said that there is no room for any additional services for prisoners in the town. There are other issues with the forensic mental health facility, as with the prison, on attracting professional services to the town. I commend the motion.

Mr KENYON (Newland) (12:27): I rise to oppose the motion of the member for Hammond. I reject any allegation that community consultation regarding the decision to construct a new prison precinct at Murray Bridge has been inadequate. I am somewhat distracted with the children in the gallery, but it seems to me that the main concern of the member for Hammond is that local

government was not told (just before the budget) that it was going to happen. He harped on about that for quite some time. I can understand local government being a little bit miffed about it.

Members interjecting:

The SPEAKER: Order!

Mr KENYON: But it is hardly a major concern. What it stems from is a complete misunderstanding of the way the budget process works. You can forgive the member for Hammond for that because he has never been here when the party currently in opposition has been in government. He has never had any experience of budget processes before, so it is forgivable that he misunderstands the need for—

Mr Pederick interjecting:

The SPEAKER: Order! The member for Hammond was listened to with courtesy by members opposite. I expect him to show the same courtesy to the member for Newland.

Mr KENYON: It is quite forgivable that there is a certain amount of angst on that side, and I do not condemn them for that. However, I will make a few points as we go along. In 2007, the government contributed $40,000 towards a regional impact report that was prepared by QED on behalf of the Rural City of Murray Bridge. So, one of the points about the regional impact statement seems to have been taken care of already (last year), and it was funded by the government.

The regional impact report considered and provided comment on a range of issues, including impact on transport and traffic movement, housing, urban growth planning and employment. The report also provided a social and economic analysis of the new prisons project and the impact of this on the Rural City of Murray Bridge.

A consultation strategy was prepared to guide subsequent communication with the Murray Bridge community on issues relating to the development of the new prisons project. In conjunction with the local council, the Rann government continues to conduct an ongoing community consultation program to assess all of the public infrastructure services that might be affected by the construction of the prison. Public meetings have been held and submissions have been received from the community. The consultation process is ongoing.

Throughout the process of developing a new prison design, the Department for Correctional Services has identified public infrastructure that is likely to be most affected by the new prison. Much of this information has been gathered throughout the public consultation process that has already occurred, and the government will continue to report back to the community through this consultation process. Additionally, information is being provided to other government and non-government agencies for them to include in their local area development planning.

The Chief Executive of the Department for Correctional Services is the chair of an interdepartmental government services group that is considering the impact of new prisons on the services in Murray Bridge. The chief executive has attended a number of public forums that have been held in the local Murray Bridge community about the new prisons project and, where issues have been raised that are not the direct responsibility of the Department for Correctional Services, the chief executive has undertaken to contact his counterparts in other departments and raise these issues. A community consultative committee will ensure that matters of concern to the local community can be addressed.

The Rann government is committed to liaising and working with the Murray Bridge council. The Minister for Correctional Services in another place, the Treasurer and the Minister for Transport have all met with the mayor of Murray Bridge on separate occasions to discuss various questions that the mayor has had about the new prisons project and supporting infrastructure.

The government will continue to work with the local council. The relationship between the government and the local council is a positive one. Furthermore, once the preferred bidder is announced, the government will employ a community liaison officer. This person will be responsible for ensuring an information flow and to act as a reference point between the project team, the department and local residents. The combined work of this interdepartmental committee (and I hope that is not a '*Yes Minister'* interdepartmental committee but an interdepartmental committee of another sort) and the appointment of the community liaison officer will be sufficient to address community concerns. The government is confident that any issues raised will be adequately addressed through this process.

In short, the government has already provided the local council with funding to develop a report to research the impact of the prison on the local community. The report has been completed and has been widely shared with the Murray Bridge community. For all these reasons, the government does not support this motion.

At the risk of setting myself up for a fall at a later time, it is often said that nationalism is the last refuge of a scoundrel. I have found that often in politics complaining about a lack of consultation is of a similar ilk. If that is all someone can say about a project, what it essentially means is that they agree that this is the right thing to do and they are just trying to make some sort of political point on the fringes. They are just trying to round up a few blokes and have a bit of a crack here and there; that is all it seems to me to be.

We could always undertake consultation in a better way; that is always possible. However, one could hardly say, from the points I have outlined, that it has not happened at all. Members can make their own judgment about how good it is to move a motion such as this to make the situation seem so much worse than it is, but it does not do much for me. I urge members opposite as well as members on this side of the house to vote against this motion.

Mr GRIFFITHS (Goyder) (12:33): I wish to make a contribution in support of the member for Hammond's motion. I commend him not only on the motion but also on the way in which he presented his facts that form the basis of the need for this motion to be supported by the house.

I also recognise the presence in the gallery today of the mayor, Allan Arbon, whom I have met many times through my previous local government experience and who has proven to me every time I have spoken to him that he talks with a degree of passion and forcefulness and a commitment to the area that he represents. He certainly would not want to hear flippant remarks made in this chamber about the community that he serves. He only wishes to see remarks enforced by the member who represents his area about the real needs of the Murray Bridge community. I have no doubt that the member for Hammond, in presenting this motion, is very serious about it.

The member for Newland commented that things could be better but he believes that, overall, the level of communication has been quite strong. The member for Hammond has given us a very different impression from that. From my discussions with the member for Hammond about every issue he brings to the party room and to me as an individual member of parliament, I know that he is very serious about what he does. He is not flippant about his role.

I do not believe that this motion is purely a political opportunity. I think that the member for Hammond has introduced this motion because of the seriousness with which it is viewed within the Murray Bridge community. It is essential for members in this chamber to reflect upon the fact that we might make decisions that are important—and every day there are important decisions to be made—but we have to bring the community along with us.

Having worked in regional South Australia for the majority of my professional career and having been involved in local government, where I was used to working with governments about the needs of communities and where opportunities might exist and where opportunities were presented to it, on some occasions the communication level was quite good but, sadly, on other occasions it was not anywhere near what it should have been.

I wish to declare a minor interest in the matter. Murray Bridge is not a community that I am personally very familiar with—I have been there only a few times. However, in my previous role as CEO of Yorke Peninsula council, when there was a media-based call (I think it was) for expressions of interest from communities that were interested in having a women's prison in the area, I wrote to the then minister and expressed an interest in a women's prison being based in the central-southern Yorke Peninsula area. We identified a particular spot. That did not come to fruition.

In my discussions with the Hon. Stephen Wade, who has the shadow portfolio responsibility for corrections, he has told me about the serious level of overcrowding that exists within the prisons in this state. I think even the new one that will be built will be at 120 per cent of its capacity, something like that. When I am in Adelaide, the home in which I reside is across the road from the men's prison on Grand Junction Road, so I see a prison just about every day I am in the city and I have some perspective of the impact on a local community of such a facility.

Governments have to make decisions. I understand that. When the political tide turns and our side of the chamber swaps to the right of the Speaker and we form government, there will be

occasions when we will have to make hard decisions. I understand that is one of the responsibilities of government. However, I also appreciate the fact that it is not hard to give some degree of advance warning. The member for Newland might have focused in his initial comments on the fact that it appeared that the member for Hammond's notice of motion is brought purely because the council was not told. Well, it goes further than that.

It would not have been very hard, on the day of the budget being presented in September 2006, for a call to have been made to mayor Allan Arbon or the CEO of The Rural City of Murray Bridge to say, 'We are aware that you want to know what is happening. This is the announcement that is intended to be made at 2 o'clock this afternoon when the Treasurer stands up to make his speech about the budget. I want to give you a bit of a heads-up. You are sworn to secrecy on this and cannot tell anyone else, but I want you to be aware that this announcement will be made so that, when you are contacted for a comment immediately after the budget is released, at least you will have some perspective on it.'

It is obvious from what I have heard from across the chamber that that did not occur, and that is where consultation needs to be improved. I understand that decisions need a degree of confidentiality, but it is also important to respect the fact that you do not become mayor of a place such as the regional city of Murray Bridge unless you have a capacity to understand the issues and are able to keep issues confidential when they come to your attention, and a capacity to represent people—as we do in this chamber. For no call to have been made to mayor Allan Arbon or the CEO at the time to give them advance warning of what was to happen—even if it was only an hour beforehand—I think is very disappointing. That is part of the notice of motion, but it is an important issue that could have been overcome.

I think it is also very disrespectful to not undertake investigations to ensure the infrastructure of the community can accept such a large development. I know the PPP prison is valued at about three quarters of a billion dollars in total—$760 million, or something like that. That is the figure I have in my head. It is an enormous investment. It will bring in hundreds of people to the facility as inmates. Also, there will be the staff associated with that, and the families (be they associated with staff or inmates) who will move to that area. You have to consider the social and infrastructure capacity of that community to accept that number of people.

We have been told that DECS has the facility to accept another 500 students, but I find that amazing. Any facility that has that sort of unused capacity must have had a very large population in the past. Transport issues will be immense for this community and will need to be sorted out. You might have to make a decision to provide a service that probably would not be provided in other communities, but you need to recognise the particular needs of some communities.

That is part of the reason I came into parliament—to ensure that regional communities have a voice. I know that people who live in regional South Australia are continually frustrated about the divide that exists between metropolitan and regional areas. They are frustrated about the focus on expenditure within metropolitan areas. I understand that 75 per cent of the South Australian population lives within Adelaide and I know that focus on investment will always occur, but it is important that we respect what regional people need, also.

I want to enforce this in my closing comments: the member for Hammond is serious about this. He is not a man who is prone to make loose comments. He is a man who ensures that the people he serves have the best voice possible and, with his big loud booming voice, he does it better than most; there is no doubt about that. He jumps up and down and screams at times because he needs to enforce the fact that he is not here to make silly comments but, rather, to enforce what people want. I find the member for Hammond has made a wonderful transition into the parliament, coming from a farming background into such a responsible role. It is a credit to him. He does it because he truly believes in people. He has that attribute. I know Mayor Allan Arbon and the councillors who serve on the Rural City of Murray Bridge also have that attribute because they all want to make a difference.

It is important that we in this parliament actually recognise that we can engage the people of Murray Bridge, inform them of what will happen as a result of this development and give them the opportunity and ability to be involved in order to ensure that the absolute best decisions are made. Instead of hasty decisions being made by people who have no real perspective on what it will do to the community, we should engage the local people and use their expertise in order to ensure that the best decisions are made for the state's needs—because we all understand that we must relocate the prison—and that the outcome is positive. No-one wants to see this development become a negative on the Rural City of Murray Bridge; and that is why the council wants to be

involved in the ongoing committee that meets about this issue. It wants to ensure that it can give its position on every issue that is discussed so that the local perspective is taken into consideration.

We all understand that the big boys who run the departmental offices have to make decisions, but if we use the knowledge and expertise of the local people we will get the absolute best decision. I commend the member for Hammond on his motion. I know this side of the house strongly supports the honourable intention of the motion. I would hope that the rather silly remarks made by the member for Newland do not reflect the position held by all government members and that there is universal support for this motion.

Mr VENNING (Schubert) (12:42): I will speak briefly because it has been well put by the member for Hammond. Again, it was a very good speech and he covered the subject well—and he was capably backed by the member for Goyder. I do not want to repeat what has been said because it is on the record and I fully support it. As a country member I appreciate the member for Hammond raising an issue which, in a country community such as Murray Bridge, can have huge impacts. When there has been a huge change in operations the local council should not only be told about it but also be part of the decision making process. I cannot understand why a minister who is in charge of a situation such as this does not take charge of the situation and regularly liaise with the council, particularly the mayor, in order to take the council with them on various decisions, so when announcements are made everything is cordial, sorted out and above board, and there is no controversy.

I am sorry, but this minister is one of the ministers to whom I referred earlier as a dud. She does not do that. She regularly gets run over by senior ministers. The government cause is push, push and the minister—

Mrs Geraghty: That is just a load of rubbish.

Mr VENNING: The minister has not done what I think a responsible minister should do. I know that when the Hon. Stephanie Key was a minister she would do it all the time. She would not only consult the council but also the local member. Then when a matter arises, we cannot go berserk because we already know about it. Any heat in the issue has been diffused. I have been in this place long enough but I cannot understand it. When the member for Goyder is a minister—and he will be—if there is a controversy, I hope he talks to the local member—friend or foe—about the problem. The government always has problems, usually money and cost—'We can't afford to do this, but we will try to do it over the next few years'—but it should at least get the local member's confidence about what is happening. In this instance we got nothing.

Mayor Arbon is a very straight player and a professional man and I cannot understand why he was not involved in the loop; I do not understand it. I understand he is in the precincts of Parliament House today for lunch—so I hope the honourable member feeds him well. There are ministers on the other side who cooperate well with members—although the government has sacked a couple who did it very well. All I can say is that, in this instance, this minister ought to be a bit more pro-active, learn from experienced members of parliament, work with the local member, whether or not the member is a member of their party, work with the local government, particularly mayors, and cover this.

This is a classic case. The location of a prison is controversial at best. We know the state has to have a prison. We know it has to be built somewhere. We appreciate the community of Murray Bridge for allowing it to be built there and for supporting it so far, but with an increase such as we are seeing here, I would have thought that it would have been politically smart to do the work before any announcement was made. Again, I commend the member for Hammond on this matter. I agree with what the member for Goyder said; that is, the member for Hammond is a big fellow and can be quite intimidating.

Mr Pederick: I've never scared you, Ivan.

Mr VENNING: He was the deputy whip and I do miss him now that he has gone up the scale. He is heading for a ministry, too. I think he will be wise enough to learn that, when you are a minister—and I am sure the member for Napier is the sort of person who would be a good minister because of the sort of person that he is.

An honourable member interjecting:

Mr VENNING: No, you get to know people personally, don't you, and you can see what sort of minister they will be. The member for Enfield would also be a very good minister because he does his work and the background research. It is not about politics. When you are the minister, you

are the minister, you are there, you have arrived. If you are to remain a minister and you are to remain in government, you have to do the work. You have to predict where your hotspots will be and defuse them—and you can. We have had some very good experts at that. You have some good ministers. In this instance, I am afraid this minister should have done it better. It is not too late, support this motion and we can move on. Again I commend the member for Hammond and urge the house to support the motion.

Motion negatived.

MANNUM FERRY

Mr VENNING (Schubert) (12:47): I move:

That this house—

(a) condemns the Rann Labor government for its total inaction for not restoring the closed upstream ferry services at Mannum to at least a 12 tonne carrying capacity; and

(b) notes the inconvenience that the community has experienced having to drive 30 kilometres to the nearest bridge when the downstream ferry is closed.

I do not like being continually negative but this is another matter that causes me much concern—and the member for Enfield also mentioned this issue. I have a meeting at Mannum tonight, so this is very appropriate, as is having the Mayor of Murray Bridge present in the gallery. He would understand perfectly what this is all about.

The upstream ferry at Mannum was closed indefinitely in December 2007, which is nearly a year ago. No action has been forthcoming from the government regarding reinstating the service. Yes, a ferry working group has been established, but really all people want to hear is that ferries will be working and ensuring that they have access across the river, especially as we approach Christmas. The safety of local residents should be paramount and should be the government's priority, but the inaction by the government shows that it is not.

On many occasions, the remaining operating downstream ferry at Mannum has been out of operation, closed for routine maintenance or emergency repairs, during which time the residents are left with no option but to travel the 60 kilometre round trip to reach the other side of the river. I ask the house to think of the ramifications of that; that is, having to travel 60 kilometres, when it is only 200 metres across the river.

What happens if a medical emergency occurs on the eastern side of Mannum across the river from the township and the ferry is out of action for repairs? There has been one fatality, but it cannot be directly attributed to the delays with the one operating ferry. I raise it, but I will not use it, although it was raised with me. This person did die, but the situation could have been worse. In this instance it was sad, but it could not be directly attributed to the ferry delay, although it could have been if it had not been working.

Local businesses have reported a 15 per cent downturn in their takings since the closure. The waiting time for cars to cross the river at Mannum peaked last year at nearly one hour. I wonder how long the wait will be this year and whether the tourists will simply stay away.

A couple of months ago, a school bus became stuck on the downstream ferry. The driver was unable to get the bus off the ferry due to its weight and the low river levels, and the bus was stuck for 45 minutes before it was able to be moved. So, for that 45 minutes, no-one at all could get across the river at any point.

I have also had many farmers and a couple of people in the freight business (grain carters) contact my office to express their concerns about having only one ferry in operation at Mannum, particularly at grain harvest time. I think they are going to have more grain this year, which is encouraging and I am pleased about that, but it does not help this problem. If trucks are lining up to use the ferry, the wait for cars is increased. I believe only one truck at a time is permitted on the ferry, but this still minimises the number of cars that can fit on the ferry.

A rumour is going around Mannum today that the Swan Reach ferry, which is having its landings modified (and that may already have been completed by today) will be going to Mannum to be swapped with the upstream Mannum ferry. As with the longer landings, the upgraded Swan Reach ferry would be able to dock safely, even with the low water levels at Mannum.

Today, my office contacted the regional manager for the department of transport, Mr John Whelan, and asked whether he could shed any light on these rumours so that I might give my

constituents and this house that advice. Mr Whelan said that he could not comment on the rumours unless I went through the minister or media adviser. We have heard that before, haven't we?

However, he did say that the new steel ferry at Cadell had been moved to Walker Flat so that the weight restrictions imposed at Walker Flat could be lifted, and I certainly welcome that. He went on to say that the department is investigating options to make sure all ferries along the river are operational. I understand that, but why has it taken so long? Compared with other expenses, such as $131 million for the tramline extension, we are looking at a maximum of $300,000 or $400,000 to ensure the ferry infrastructure. It is ridiculous.

I have been slagging ministers this morning, at the invitation of the government. I have mentioned a few, and I have named the five dud ministers. Well, in this instance, it is the Hon. Patrick Conlon, the Minister for Transport—and he is not one of the dud ministers. In his dealings with me, the Hon. Pat Conlon is professional, although I often do not agree with what he does, his inaction and the 'Fix it, Pat' business. I own the cap that we wear in those comic strips.

However, in this instance, I believe this minister does try and he does listen. So, I will never give up on him. I am pleading with the Minister for Transport to hear my plea. I know that when he is this house he would never agree with me, but I know that behind the scenes he will do all he can to help. He has done that not only with the ferry but he also did it with the deep sea port. As I have said on the record before, he got it right, and I hope he gets this right. When we open that new port some accolades will be given, and I will give them to him, because he has put the port in the right place.

Minister, please hear my plea. I hope these rumours are correct that this ferry can be put back into operation before Christmas, because the population of Mannum triples during the Christmas break, and the demand on this ferry is huge. If that ferry could be operating, say, by 10 to 15 December, I will be very, very pleased. I am not giving up. I hope the rumours are right, and I urge this house to support this motion.

Mr PEDERICK (Hammond) (12:54): I rise to support this motion from the member for Schubert, because most of our electorates are joined, and a lot of that is by ferry. It is sad that, in these days of low river flows, ferries have gone out of action, as this one has at Mannum, creating a major issue for that town and for people wanting to get to the eastern side to the wonderful seat of Hammond or for people in the electorate of Hammond wanting to get over to the electorate of Schubert. As the member for Schubert rightly said, it was a great tragedy that a lady died trying to get to the Mannum Hospital by ferry. I believe she had prior knowledge of her medical complaint. I do not think the ferry was entirely to blame, but the hold-up would not have helped. I believe she was a young mother—is that correct?

Mr Venning: 32.

Mr PEDERICK: She was 32, with a young family. Ferries right up and down the river have had severe impacts from lack of water and a lack of government attention. I remember going to a meeting at Mannum—and I take my hat off to the transport people from the department who turned up, because they were sent there and told not to say anything. I wish they had just said something so the community could work out why they could not speak.

The minister did not show up, nor did a colleague or another member from the other side. I hate being at a meeting and having a go at departmental people who are just doing their job. They would have made life a lot easier for themselves, because this community has, quite frankly, run out of time. This meeting was months ago. They were expressing their disquiet and the simple fact is that they were just asking simple questions like, 'Where would the river level drop to and how much water would the river have in it when the ferry remaining in service at Mannum runs out of service?' These people are genuinely concerned. Again, it is out of the urban boundaries of Adelaide, and this is the nub of the problem: it gets neglected.

I go around this state, and through the city, and I meet so many business people—Labor staffers, in fact, who have holiday homes—and people of all political persuasions who need access to these ferries, especially the Mannum ferry. It has a huge impact on tourism. It has a huge impact on grain carting—we are just coming into harvest. It just cuts out the options for already stressed primary producers.

I think it is disgraceful that the minister hides in this place, or in Adelaide, and sends out his departmental people. To their credit, they stood by his direction and did not give an answer, but I can assure you that they copped a hiding at that meeting. In the end, I got to make a point. I said

that I believed the river would drop another 602 to maybe 800 millimetres—.8 of a metre maximum—before it would run out of service. I do not have the full resources of a department, or several departments, in regard to this matter, but that is where I believe it may end up with worst-case scenarios. We have noticed this inaction right along the river. The upstream ferry ran out of service—'Oh, we'll just use the downstream one.'

I do not want to be completely critical. The government recognised that, with only one ferry, it needed to make it an optimal operation, so it put two operators on board to make sure that, while one is getting the cars on board, the other one is at the other end ready to take off. I give credit to the government for that, but it is not enough to sustain a community. Businesses throughout the town have said that they have suffered losses of up to 20 or 30 per cent, notwithstanding the present financial crisis.

Residents in Mannum have to travel either to Murray Bridge or upstream to Blanchetown if they want to use the bridge, and it is just not right—especially for emergency services and fires. We are looking at another dry summer coming up, and where will we be then when fire units and ambulances cannot get across in time to assist the community?

With those few words I commend the motion moved by the member for Schubert. It certainly affects my electorate; it affects many people just in their daily lives, and my sympathies are certainly with the family of the lady who died recently. The community does need more support, right up and down the river. It is one thing to say, 'Let the river go,' but it is another when local people are involved.

Mr O'BRIEN (Napier) (13:01): I stand to oppose the motion, and will make further comment later. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 13:02 to 14:00]

STATUTES AMENDMENT (MEMBERS' BENEFITS) BILL

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

NOARLUNGA RAILWAY LINE

Dr McFETRIDGE (Morphett): Presented a petition signed by 2,039 residents of South Australia requesting the house to urge the government to fund an extension of the Adelaide to Noarlunga rail line to Sellicks Beach.

HOUSING TRUST WATER METERS

Mr HANNA (Mitchell): Presented a petition signed by 75 residents of South Australia requesting the house to urge the government to ensure all Housing Trust households are provided with their own individual water meters in order that they might monitor and control their own water use and pay SA Water for the accurate and appropriate usage.

PUBLIC SCHOOLS

The Hon. S.W. KEY (Ashford): Presented a petition signed by 18 residents of South Australia requesting the house to urge the government to reconsider the proposed new funding model for South Australian schools and to put in place a proper and appropriate agreement on public schoolteachers' pay and conditions within a binding enterprise agreement.

MEMBER'S REMARKS

Ms CHAPMAN: I rise on a point of order. I refer to standing orders 124, 126 and, if necessary, 137(4). Yesterday, it is my understanding, as confirmed during the course of the morning, the Deputy Premier made a statement to the parliament in an answer during question time, with reference to Jesus Christ. That is a matter which has been the subject of some public statements in the media today. I suggest it offends standing order 124. I indicate that during the course of the morning—because this reflects on standing order 126, the proximity of time with which this matter is raised in the parliament—I and others have reviewed the *Hansard* to identify transcript yesterday which read:

I have had a rough week, I have to say, but now I am apparently responsible for what is happening on Wall Street. All right, I am sorry. Give me a break.

Following a further inquiry during the course of the morning, I have been able to obtain a copy of *Hansard* at the time of 3.30pm—I have both of these—which states:

I have had a rough week, I have to say, but now I am apparently responsible for what is happening on Wall Street. Jesus Christ. All right, I am sorry. Give me a break.

On the basis of that information, I bring this matter to the attention of the house. Clearly, from a letter to the editor this morning, this has been confirmed as offending those in the general broader community.

An honourable member: A letter to the editor?

Ms CHAPMAN: A letter to the editor, indeed. Mr Speaker, I am sure that, had you heard such a statement being made, it would equally have offended you, and I ask you to call upon the Deputy Premier to withdraw and apologise.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:05): I need to make a personal explanation.

The SPEAKER: I was going to obtain some advice from the Clerk. I missed the remark. I presume that, if the Deputy Premier did say that, it was more muttering something to himself rather than a statement to the house. However, if the Deputy Premier wants to make a personal explanation, now is probably the best time to do it.

The Hon. K.O. FOLEY: Thank you, sir. In a moment of exasperation, I did say that, and I humbly apologise. I said it quietly: I did not mean it to be said. The inference in what the member is saying is that I somehow scurried off, or a person on my behalf—

Ms Chapman interjecting:

The SPEAKER: Order! Is the Deputy Premier seeking leave to make a personal explanation?

The Hon. K.O. FOLEY: I seek leave to make a personal explanation.

Leave granted.

The Hon. K.O. FOLEY: I humbly apologise for something that was not meant to be said. But if this is the first order of business in this place today, I am extremely—

The SPEAKER: Order! The Deputy Premier will take his seat. That goes beyond what is necessary—

The Hon. K.O. FOLEY: I have more to say, sir. The inference is—

The SPEAKER: Order! Regardless of whether the Deputy Premier has something else to say, a personal explanation is not the means by which he can say it. All he can do in a personal explanation is to withdraw his remark and, if necessary, make an explanation as to why he may have said it.

The Hon. K.O. FOLEY: On a further point of order, sir, the inference by the member was that I somehow personally, or someone acting on my behalf, asked Hansard to withdraw that remark. That is absolutely untrue and incorrect: no approach was made by me, nor did I ask to have it done.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I just ask the deputy leader not to make an inference that is not true.

The SPEAKER: Order! The deputy leader can take her seat. I think the Deputy Premier has said about all that needs to be said on this topic.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Capital City Committee Adelaide—Report 2007-08

By the Minister for Health (Hon. J.D. Hill)—

Abortion Reporting Committee, South Australian—Report 2007
Food Act—Report 2007-08
Medical Board of South Australia—Report 2007-08
Nurses Board of South Australia—Report 2007-08
Pharmacy Board of South Australia—Report 2007-08

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Libraries Board of South Australia—Report 2007-08
Windmill Performing Arts Company—Report 2007-08

By the Minister for Health on behalf of the Minister for Mental Health and Substance Abuse (Hon. J.D. Lomax-Smith)—

Controlled Substances Advisory Council—Report 2007-08

By the Minister for Environment and Conservation (Hon. J.W. Weatherill)—

Vulkathunha-Gammon Ranges National Park Co-management Board—Report 2007-08
Witjira National Park Co-management Board—Report 2007-08

By the Minister for Aboriginal Affairs and Reconciliation (Hon. J.W. Weatherill)—

Review of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981

By the Minister for Families and Communities (Hon. J.M. Rankine)—

Boundary Adjustment Facilitation Panel—Report 2007-08
A Report into Sexual Abuse—Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry—Implementation Statement by the Minister for Families and Communities

By the Minister for Ageing (Hon. J.M. Rankine)—

Office for the Ageing—Report 2007-08

By the Minister for Disability (Hon. J.M. Rankine)—

Julia Farr Services—Report 2006-07

By the Minister for Industrial Relations (Hon. P. Caica)—

Club One (SA) Ltd Financial Report—Report 2007-08
Construction Industry Long Services Leave Board—Report 2007-08
Gaming Machines Act 1992—Report 2007-08
Independent Gambling Authority—Report 2007-08
Industrial Relations Court and Industrial Relations Commission—Report 2006-07
Problem Gambling Family Orders Act 2004 Report to Parliament 2007-08
WorkCover SA—Report 2007-08
WorkCover SA Financial Statements—Report 2007-08

By the Minister for Employment, Training and Further Education (Hon. P. Caica)—

Education Adelaide—Report 2007-08

The Hon. M.D. RANN: I heard the interjection. I remember when the Deputy Leader of the Opposition opposed the DNA testing of Bevan Spencer von Einem. She has not yet apologised to the people of this—

The SPEAKER: Order! The Premier will take his seat.

GLOBAL FINANCIAL CRISIS

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:09): I seek leave to make a ministerial statement, a matter of substance for the house to involve itself in.

Leave granted.

The Hon. K.O. FOLEY: Let us get to the main game of what this legislation should be about and not the nonsense that members of the opposition come up with all the time. I rise today to update the house of a direct impact of the continuing global financial crisis on the state's finances. Members will recall I advised the house on 14 October that the state's net operating position since 1 January 2008 had weakened by a total of $280 million as a consequence of the global financial crisis. This was due to the higher nominal interest expenses associated with the deterioration in our unfunded superannuation liability, a combination of losses of earnings and discount rates, and downward revisions to some revenues based on the anticipated flow-on effects of the financial crisis on the real economy. Despite the unprecedented actions of central banks and governments in recent times, the global financial instability and volatility continues. For the financial year to date, the Australian stock market is down 26 per cent and the global stock markets are down 35 per cent.

I have previously stated that I would report back to the parliament with a full financial statement before the house rises at the end of this year. The timing was originally based on the proposed Council of Australian Governments meeting of 17 November, at which time it would become clearer this state's share of commonwealth special purpose payments and national infrastructure payments—and national partnership payments should be included. It has recently been widely reported that the Prime Minister will be attending a G20 meeting on the global financial crisis in Washington on 15 November this year. The commonwealth has since advised us it is increasingly likely—and I am not sure whether it has now been confirmed—that the COAG meeting of 17 November—

The Hon. M.D. Rann: It has been put back about 10 days.

The Hon. K.O. FOLEY: The Premier has just advised me that it has been postponed, Mr Speaker. Prior to that, the state treasurers were scheduled to meet three days earlier so that we could agree on a set of financial arrangements for presentation to COAG.

To this end, I can advise that the financial statements will now be incorporated into a midyear budget review when we are in receipt of the commonwealth Mid Year Economic Fiscal Outlook and the financial settlements agreed at the Council of Australian Governments.

As I have already advised the house, I have asked the Department of Treasury and Finance to provide cabinet with a full range of options for the deferral or, in some cases, the cancellation of capital projects not considered essential to service delivery in the current financial climate. In these very uncertain financial times, I also want to provide certainty to the local infrastructure market wherever possible. This has become particularly acute in relation to the timelines for the new prisons and secure facilities project.

I emphasise that the timelines for the procurement process for this project remain unchanged. Bidders are required to submit fully costed proposals to government in December, including their estimated construction timelines. The government project team will then assess bids and announce a preferred bidder in April 2009. The final contract will be announced in July 2009 as per existing timelines, and construction will commence thereafter based on the winning bidder's construction program.

However, today, I can advise the house of the government's decision to announce new commissioning dates for the prisons and secure facilities projects. The new commissioning dates are:

- for the men's and women's prison, 2013-14 (previously 2011-12, a delay of two years);
- for the forensic mental health centre, 2013-14 (previously 2010-11, a two-year delay); and
- for the secure youth training centre and pre-release centre, 2011-12 (previously 2010-11, a 12-month delay).

The overall budget impact of delaying this project will improve the government's net lending outcomes over the period of 2009-10 to 2011-12 by $359 million, and clearly will ease the financial liabilities to revenue ratio for this period.

It should be made clear that the revised prison time frames are certainly not a precursor to deferring the government's other PPP projects, such as the six new super schools (which the successful tenderer will be awarded shortly) and the Marjorie Jackson-Nelson Hospital, where the process is now in full operation. As I stated previously, the timelines for these projects remain on track.

The government recognises that the revised prison timelines will result in demand pressures on existing prison facilities. The government will address this by constructing additional cell capacity. The Department of Treasury and Finance advises that the additional cell capacity of 160 permanent beds will require an investment of $30 million across the 2010-11 to 2011-12 period, plus associated operating costs. These will be permanent new structures and they will add to our prison capacity when the new prisons are on stream. These new structures will be located within regional facilities and provide enhanced facilities into the future, even when the state takes delivery of the new prisons and secure facilities.

This is unfortunate, but necessary, as the government is taking—indeed, all governments and, as I read today in the financial papers, many major corporations are taking—the opportunity to defer capital works projects which are not considered essential in order to ensure that we have the capacity to meet the stress caused by this quite extraordinary time. When the mid-year budget review is released, a full schedule of reprioritised projects will be provided.

WORKCOVER CORPORATION ANNUAL REPORT

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: Today I have tabled the final version of the WorkCover SA 2007-08 annual report. The 2007-08 results are the last that relate to its performance under the former legislation. As at 30 June 2008 WorkCover's unfunded liability increased to $984 million, compared with $911 million at 31 December 2007, after a loss of $140 million for 2007-08. The scheme was 60.8 per cent funded compared with 63.4 per cent at 31 December 2007. WorkCover collected more in levies this year and received fewer claims, and its claims performance improved. However, like other investors WorkCover was impacted by the global downturn in investment markets—which has contributed significantly to its loss in the past year.

While WorkCover has no direct exposure to investments in subprime mortgage debt, the extreme volatility in the day-to-day global investment markets is impacting negatively on all balanced portfolio investors. The extent of these negative impacts going forward will depend on the duration of the current investment market uncertainty, but the below average level of risk that WorkCover has maintained since the inception of the scheme continues to moderate these negative impacts on financial performance, to some extent.

Over its 20-year history, WorkCover has achieved an annual return of approximately 10 per cent, which is better than the appropriate benchmark return for this investment portfolio. Improvements noted in the report include: more positive results in long-term claims and front-end continuing claims; a continued reduction in the duration of disputes; and improved health outcomes for injured workers via partnerships with medical organisations. The government is looking forward to WorkCover maintaining these improvements, as well as improving its financial position.

The overwhelming focus of the government, however, is on WorkCover improving its return to work performance, an objective that is in the best interest of injured workers, employers and the scheme itself.

VISITORS

The SPEAKER: I draw to members' attention the presence in the gallery today of students from Charles Campbell Secondary School, who are guests of the member for Morialta.

QUESTION TIME

WORKCOVER CORPORATION ANNUAL REPORT

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:21): My question is to the Minister for Industrial Relations. Why has the 2008 WorkCover annual report, which he has just tabled, been qualified by the auditors KPMG? In the 2008 WorkCover annual report, auditor KPMG has qualified its opinion and stated as follows:

> There are significant uncertainties relating to the estimate of the provision for outstanding claims, as demonstrated by the recent changes to the Scheme, a history of deterioration of the Scheme's liabilities over the three years to 30 June 2007 and the exposure to claims for asbestos related injuries within the Statutory Fund...In future years the actual cost of claims described in notes...are greater than the balances recorded in the financial statements, this will adversely impact on the Funding Ratio described in note 28 as the Average Levy Rate. The Board of WorkCover will need to take this matter into account when setting the Average Levy Rate in future years.

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:22): I thank the leader for his question, and I think that he did an admirable job of answering the question himself. I am sure the WorkCover Board will certainly take notice of the advice of the auditor.

ADELAIDE UNITED FOOTBALL CLUB

Ms PORTOLESI (Hartley) (14:22): My question is to the Minister for Recreation, Sport and Racing. Will the minister inform the house of the arrangements for Adelaide United fans for the final match on 5 November and for those fans not going to the home game on 12 November?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:23): I can inform the house that the government, in partnership with the Adelaide City Council, has organised the Go Reds! live site. Adelaide United Soccer fans will be able to watch the club's historic Asian championship league final matches live on 5 and 12 November at Elder Park on a giant screen. Adelaide United has every reason to be thrilled and proud of their efforts. Their achievement is even more outstanding considering their gruelling match draw, which has seen the team visit every corner of Asia in between rounds of the A League.

The Go Reds! live site will be a focal point for thousands of fans in what will be a great family friendly atmosphere in the heart of the city. This event could not have gone ahead without the tremendous support of the Adelaide City Council, Adelaide United Football Club, the Football Federation of Australia, Foxtel and the SAJC. The city council will be providing a number of services to ensure Elder Park is at its best and caters for the thousands of fans who are expected to watch the two matches. On behalf of the government, I would like to thank Foxtel for allowing their exclusive coverage of the ACL matches to be broadcast at Elder Park on the giant screen. I also wish to acknowledge the SAJC for providing their giant screen to be used at Elder Park.

The match on 5 November will kick off at 8.30pm next Wednesday, when Gamba Osaka host the Reds in Japan; and it is a 7.30pm start for the home leg on Wednesday 12 November. Information regarding the fan site will be available on the Adelaide United, Adelaide City Council and the Office for Sport and Recreation websites. I would like to thank all the parties involved in the Go Reds! live site. I encourage United fans to come along and watch both matches at Elder Park to show their support.

WORKCOVER LEVY

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:25): My question is to the Premier. In light of the Minister for Industrial Relations' failure to answer the earlier question—

The SPEAKER: Order!

Mr HAMILTON-SMITH: —can the Premier guarantee—

The SPEAKER: Order! That first part of the question is debate.

Mr HAMILTON-SMITH: Can the Premier guarantee small businesses that his promise, made in parliament on 1 April 2008, to reduce the average levy rate to as low as 2.25 per cent will be met, and when will it be met?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate

Change) (14:25): Only this government had the courage to take legislative action. We remember what the members opposite said: you said that you would not take that action. You were prepared to allow it to continue to blow out, to burgeon—

The Hon. P.F. Conlon: Until he was told what to do.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Until he got a phone call from Business SA—

Members interjecting:

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

The Hon. P.F. Conlon: They're a rabble going nowhere.

The Hon. M.D. RANN: Yes, a rabble going nowhere; just look at them! So, here we have an opposition who in government failed to reform WorkCover, who in government absolutely knew that we had the worst performing WorkCover scheme in the nation—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: If you want to talk, get up and talk.

Members interjecting:

The SPEAKER: Order! The house will come to order. The Premier has the call.

The Hon. M.D. RANN: Okay; one last try.

Ms CHAPMAN: On a point of order, Mr Speaker. Before you intervened in the debate on this matter, the Premier had sat down. That concludes his contribution to the house.

Members interjecting:

The SPEAKER: Order! There is no point of order. The Premier took his seat because he could not be heard over the interjections from members on my left. The Premier.

The Hon. M.D. RANN: Can I remind the deputy leader—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Mr Speaker, the Deputy Leader of the Opposition just made an audible comment critical of you, sir. I ask that she withdraw.

The SPEAKER: I thank the Deputy Premier for his concern, but I think I will be okay. I will talk to her about it afterwards. The Premier.

The Hon. M.D. RANN: I remind the Liberal opposition that there are school students in the gallery. I will try now for the third time. The previous government failed to reform WorkCover. It knew that we had the worst—

Mr Williams: You voted against the reform; you voted against it.

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

The Hon. M.D. RANN: I will try for the fourth and last time, otherwise there is no point in continuing. The previous government refused to reform WorkCover. It knew that we had the worst performing scheme in the country, the worst return-to-work rate in the country. It knew that we had the highest premiums in the country. It was aware—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley will come to order.

The Hon. M.D. RANN: —of the structural problems in the WorkCover scheme. This government had the guts to make the tough decisions. And we did so because we want to make sure that the WorkCover scheme—

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. M.D. RANN: —is brought into line with other workers' compensation schemes around the country. The reason we took action by legislation is because we had the worst return-to-work rate in the country, the highest premiums in the country, and a rising unfunded liability. The WorkCover scheme, under the Liberals, and during every previous government, was bad for business, bad for injured workers, and bad for the government. Someone had to have the guts to fix the scheme, and that is why, as unpopular as it was, we decided to take action.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: But I do remember that the shadow minister came out and said that they were not going to fix the scheme; and that, I guess, is the difference. The other side of politics—the Liberals—do not give damn about injured workers, and clearly demonstrated that they do not give a damn about small business either.

MARBLE HILL

Ms SIMMONS (Morialta) (14:29): Can the Minister for Environment and Conservation outline to the house the latest developments regarding the restoration and protection of the Marble Hill site?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:30): Mr Speaker, as you would be aware, some time ago the government entered into a heads of agreement with the Bishop and Michell family to restore Marble Hill to its former glory, but that did not please everybody, particularly the Leader of the Opposition.

Indeed, his party in the upper house promoted some changes. Those changes promote a degree of uncertainty about the arrangements, and we are quite concerned about that, because the whole deal was really called into question. Then, to our surprise, I must say, we find that, in this session, members opposite sought to restore that bill to the *Notice Paper.* They did not seek to progress it; they just sought to have it sit there, continuing the uncertainty in relation to the restoration of this facility.

So, today we took the extraordinary step of bringing it on during private members' time, because we wanted to end that uncertainty. The Leader of the Opposition was—

The Hon. P.F. Conlon: He did a good job, didn't he?

The Hon. J.W. WEATHERILL: Yes. The Leader of the Opposition came in here—it is true to say that he did not want to be here promoting the bill that he put on the—

The Hon. P.F. Conlon: It was his bill, wasn't it?

The Hon. J.W. WEATHERILL: It was.

Ms CHAPMAN: On a point of order, the minister has provided no new information to the house on this question. He has simply repeated what the house is already aware of; in fact, what they debated this morning. It is entirely a repeat of what happened here in the parliament this morning. There is no new information, and I think they are all out of order.

The SPEAKER: No; I do not uphold the point of order. I will listen to what the minister says. The question was about developments regarding the upgrade of the Marble Hill site. I presume that the legislation debated this morning has relevance to that. I will listen to the minister's answer.

The Hon. J.W. WEATHERILL: Thank you, sir. It is important to state the background, because it has a lot of relevance. The Leader of the Opposition came in—he did not want to be here, of course—and had to listen to the debate. He knew, of course, that the—

The Hon. P.F. Conlon: Fumbled his way through it.

The Hon. J.W. WEATHERILL: That's right—fumbled his way through it.

Ms CHAPMAN: I again raise a point of order, this time 137. There is clearly a personal reflection on the member—in this case the Leader of the Opposition—as to his alleged motives in relation to this matter; and, secondly, as in placitum one, he digresses from the subject matter of the question under discussion.

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport will come to order! A personal reflection means, as I understand it, that there is some implication—

The Hon. M.J. Atkinson: Impropriety.

The SPEAKER: As the Attorney said—that there has been some impropriety, some criminal motive, on behalf of another member. I do not think that the minister has said that. With regard to answering the substance of the question, I have already ruled that I think he is answering the substance of the question, but I will continue to monitor his answer. The minister.

The Hon. J.W. WEATHERILL: Thank you, sir. It is very important because, at the very end of the debate, the Leader of the Opposition—and he acknowledged that the numbers were not going to be for him; he could see that the writing was on the wall in terms of the disposal of the bill, and I should remind the house that the representatives of the Michell and Bishop family were in the chamber—said these words:

> I foreshadow to the house and to stakeholders, including the Michells, that I have made the view of a future Liberal government very clear. As this deal between the government and the private owner proceeds, should we form government at some point in the future, let there be no doubt about what the view of a state Liberal government will be.

I then sought clarification about whether that meant that he was proposing to retrospectively override their rights, and he repeated his position: the Liberal Party's position is very clear. Let us be very clear about what is being suggested here by the Leader of the Opposition. The Leader of the Opposition is proposing that property rights that will be entered into as between the government and—

Mr HAMILTON-SMITH: I have a point of order, Mr Speaker. What is said, is said. If the minister wants to infer things—I mean, really, Mr Speaker, he is making it up.

The SPEAKER: Order! The Leader of the Opposition will take his seat. There is no point of order. The minister.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. This—

The SPEAKER: The minister does have to be careful that in his answer he is not simply repeating a debate on which the house has already made a decision.

The Hon. J.W. WEATHERILL: Thank you for that assistance, Mr Speaker. The Deputy Leader of the Opposition asked me to say what is the new development, and I will explain that. The new development is that we now have a very clear statement, and if you do not take my word for it you should ask the Michell family, who are in the chamber: they took this as a threat. The new development is that this agreement is very much under threat. The agreement that was meant to be entered into between the state government and the developer is now under threat because we do not know, and they do not know, what would happen under a future Liberal government.

It needs to be understood precisely what this means. This is the party of private property over there on the other side of the house threatening to retrospectively overrule property rights, should it form a government. Let us remember—

Ms CHAPMAN: I rise on a point of order. In contravention of standing order 127, the minister is impugning the motives in relation to the leader's position.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: He is simply repeating and reflecting upon the member's motives in relation to this morning's debate in—

The SPEAKER: Order! I do not uphold the point of order; I do not think the minister is alleging any impropriety on the part of the Leader of the Opposition.

The Hon. J.W. WEATHERILL: It spreads beyond Marble Hill. There are 1,600 private properties which have heritage agreements over them and which are registered with the Lands Titles Office, and those people should be very fearful should the Liberal Party come into government.

However, I think another observation needs to be made about this, and that is about the recklessness of the Leader of the Opposition. He did not expect to be in here; he was knocked a little bit off balance, and we got to see the real Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition will come to order.

The Hon. J.W. WEATHERILL: He realised that he had to put away the barking dog routine. I conclude with—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —the immortal words of Homer Simpson, who said, 'I guess some people never change, or they quickly change and then quickly change back.'

Members interjecting:

The SPEAKER: Order! The Attorney-General will come to order. The house will come to order.

Members interjecting:

The SPEAKER: When the house has come to order; the member for Morphett.

WORKCOVER CORPORATION

Dr McFETRIDGE (Morphett) (14:38): My question is to the Minister for Industrial Relations. Have WorkCover Corporation's financial statements for recent years been misstated? The WorkCover Corporation's annual report raises concerns that the corporation may be investing more money in its investment portfolios to cover the losses of its funds, raising the prospect of a misrepresentation of a decline in its investment value as loss of income. WorkCover's financial statements reveal that the value of its investments declined from $1.37 billion in 2006-07 to $1.33 billion in 2007-08, a loss of $40 million. However, the income statement reveals a loss in 'investments held at end of financial year' of $175 million.

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:39): I thank the honourable member for his question. Certainly, I have been provided with no evidence whatsoever with respect to the—

Ms Chapman: Read the report.

The Hon. P. CAICA: The assertion was provided by the honourable member. What I will say, and I have done this previously with the member for Morphett or the member for Goyder, is that I am more than happy to provide a briefing for him with WorkCover officials to ensure that they can provide an explanation to the question, the thrust of which I was unsure.

SAFE WORK MONTH

Mr KENYON (Newland) (14:40): My question is for the Minister for Industrial Relations. What are the objectives of Safe Work Month 2008?

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (14:40): I thank the member for Newland for his question. I am pleased to inform members that the Safe Work program is now double the size, moving from a program of a fortnight's duration, to a month long program of safe work events and activities. Safe Work Month is certainly our state's premier occupational health, safety and welfare promotional and educational event.

The program's expansion has enabled a greater focus on South Australia's regions, especially where there is an increasing level of economic activity now developing. More than 100 free workshops are being staged throughout Safe Work Month 2008, all of them being tailored to meet the specific needs of employers, employees and contractors.

Safe Work Month 2008 was launched with a community breakfast and forum in Port Lincoln on Monday 13 October. Since then, it has moved through the Spencer Gulf, to Roxby Downs, across to the Riverland, the Barossa and to Mount Gambier and the South-East of our

state. Activities during Safe Work Month 2008 have included safety workshops held at hardware stores, farms, wineries and vineyards.

Information has also been specifically tailored to address the key industries of each region. In Port Lincoln, for example, a special session was held about addressing safety issues in the aquaculture industry. Whyalla, Roxby Downs and Port Pirie held special sessions focusing on manufacturing and mining safety. Safety workshops for Clare, the Barossa Valley, the Riverland and the South-East featured sessions on workplace safety in the viticulture and horticulture industries. Other workshops have—

Mr Venning interjecting:

The Hon. P. CAICA: I am not going to bite, Ivan. I cannot help it if you do not take an interest in occupational health and safety, but I think you actually do. Other workshops have dealt with topics such as: quad bike safety, drugs and alcohol in the workplace, the government's Be Active at Work project and workplace bullying.

I am advised that the Safe Business is Good Business series of workshops has been particularly well received. These workshops are aimed directly at small business operators as part of SafeWork SA's centrepiece, the Industry Improvement Program. The strong attendance at the program's events enables a direct interaction between SafeWork SA, employees and employers. In turn, it also suggests that there is a growing awareness that workplace safety is a central issue for all enterprises.

The key message of Safe Work Month 2008 is that 'workplace safety is in your hands', and that workplace death, injury, illness and disease are all preventable. Safe Work Month 2008 aims to encourage workers and employers to effectively collaborate to create and maintain safe working systems.

I must acknowledge that this year's Safe Work Month program is supported by a collaborative effort between SafeWork SA, SA Unions, Business SA and WorkCover. There are many bedfellows when it comes to workplace safety. The enthusiastic support of these partners has been the critical ingredient in the success of the program.

The final week of Safe Work Month 2008 workshops and events will be held in metropolitan Adelaide from next Monday, and will conclude on Friday 7 November with the presentation of the annual Safe Work Awards. The Safe Work Month 2008 program makes an important contribution toward meeting our state's Strategic Plan objectives, specifically with regard to reducing the incidence of workplace injury and disease.

I urge all members to support Safe Work Month events in order to promote the benefits to all South Australians of having safer workplaces.

FAMILIES SA STAFF

The Hon. I.F. EVANS (Davenport) (14:44): My question is for the Minister for Families and Communities. Why are Families SA staff having to take industrial action to secure more funding to address the child protection crisis? A delegation of social workers has warned the minister that children are in danger of dying because of a dysfunctional child protection system. Industrial action taken includes work-to-rule and not providing ministerial executive briefings. Members of the PSA in their latest journal state that they were—

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: —'bewildered that the department spends more time, energy and money on administrative functions and accountability than it does on the core function of caring for and protecting South Australian children'.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (14:45): Let me outline what the state government is doing to protect children here in South Australia—and they are issues that I outlined in my meeting most recently with the PSA and its job delegates.

The Hon. I.F. Evans: They went on strike after.

The SPEAKER: Order!

The Hon. J.M. RANKINE: They have not gone on strike. I think the member needs to rephrase that. They have not gone on strike at all.

Mrs Redmond: They have announced that they are going to.

The Hon. J.M. RANKINE: No, they have not announced that either. So, you have got it wrong. Both the chief executive and I have met with the PSA and its delegates, and we have addressed a number of their concerns. This government has committed $190 million over the next four years for child protection here in South Australia. We have committed to better supports for foster carers and relative carers. We have committed funds to reform the carer payment system, and we have significantly increased foster care payments; I think they have been nearly doubled.

We have committed $28 million for intensive family support services so that we stop families going into crisis. We have committed $124 million to improve support services for children in care and $17.6 million to respond to the increasing demands of child protection. Quite frankly, we are doing a whole lot more for child protection than was ever done when those people were in government.

ACCESS2HOMECARE

The Hon. L. STEVENS (Little Para) (14:47): My question is to the Minister for Ageing. What new initiative is being trialled in South Australia to simplify and improve the way in which services are delivered to frail older South Australians and their carers?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (14:47): I thank the member for Little Para for her question. I know that she has a keen interest in the approaches to the provision of services for older South Australians and in exploring innovative ways to continue to support our seniors as the state's population of older people increases.

The Rann government recognises the fundamental right for our seniors to manage their own lives. The capacity to make one's own decisions must always be respected and supported. With that in mind, I am pleased to announce the introduction of Access2HomeCare, a new way of providing community care advice based on client choice and service capacity. This announcement follows the news last week about the joint funding commitment with the commonwealth for HACC programs reaching record levels; an additional $35 million.

The demand for community care and aged care generally is growing rapidly due to our unprecedented ageing population. Currently, there are a number of pathways that people use to access community care services. Often community care is recommended by a general practitioner or organised through a relative or friend to help people stay independent and in their own homes for as long as is reasonably possible. Most older South Australians live independently in our community, with little or no support from services, and contribute to the community in many valued ways whilst maintaining a good quality of life.

However, when people need additional support due to declining health and capacity, it can be difficult to know where to start. Sourcing and accessing appropriate services that support older people can be complex and can place a significant burden on families. Access2HomeCare has been set up to help people find their way into and through the community care system simply and effectively.

Access2HomeCare is a joint initiative of the Australian and South Australian governments and is administered through the Office for the Ageing. Tomorrow it will be my pleasure to officially launch the Demonstration Project in conjunction with the state manager of the federal Department of Health and Ageing, Ms Jan Feneley, who will be representing the federal Minister for Ageing, the Hon. Justine Elliott.

Our western suburbs in Adelaide, as well as the Gawler, Barossa, Lower North and Yorke Peninsula areas, will be used as a 12-month demonstration project before the service extends through the rest of South Australia from August next year. Access2HomeCare is a telephone-based service and, for the cost of a local call, families living in these areas can access a 1300 number (1300 130 551). It will not replace the current community care arrangements in South Australia but will complement them and better assist people to find the services they need when they are needed.

Access2HomeCare aims to reduce the number of times a person has to provide information about themselves and their care needs. It is designed to support frail older people, their

carers and families to find the service that best meets their needs at that time. Trained Access2HomeCare staff will discuss with people, as well as their carers, the daily living tasks (such as showering and meal preparation) that may have become more difficult, and the community care services that could assist them to remain in their own homes. In most instances Access2HomeCare then establishes the eligibility of the aged person for government-funded community care services and identifies specific programs or services that could be of benefit.

For a state with increasing numbers of frail older people, ensuring that those in greatest need receive timely and appropriate care is a clear priority for this government. We understand that older people require a system of service delivery that is customer-focused, holistic and flexible and offers choice based on changing needs. Access2HomeCare will open the door to a range of aged care services so that people can know what help is available and how they can access it.

BHP BILLITON

Mr PEDERICK (Hammond) (14:51): My question is to the Premier. Has BHP raised concerns with the government regarding the Premier's climate change targets and, if so, will he be moving to withdraw the legislative changes?

Referring to such state legislation in the context of the federal government's carbon pollution reduction scheme, BHP Billiton CEO Marius Kloppers stated in a letter to the Prime Minister dated 1 September:

> Intervening regulations, such as the MRET, not only creates unnecessary complexity; more importantly, it creates a distortion of the market that will prevent adoption of the most economically efficient solutions to reduce carbon emissions.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:52): The Deputy Premier has recently had a 1½ hour meeting with Marius Kloppers and, certainly in that meeting, no such concerns were raised. I have the most vivid recollection of my meeting with Marius Kloppers last year in Melbourne, and again at Canberra airport in more recent times, and he certainly did not raise those issues with me, and neither has the head of the Olympic Dam expansion project for BHP Billiton, Graham Hunt.

WATER CONSUMPTION

Mr WILLIAMS (MacKillop) (14:53): My question is to the Minister for Water Security. Is the fact that the SA Water website no longer provides information to allow comparisons between weekly, monthly or yearly water consumption confirmation that the government, in spite of severe water restrictions, is not meeting its water use targets? If not, will she as minister instruct SA Water to again publish such data?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:53): The data that we have on the website clearly indicates the consumption against the target the state government has. It is in a different format from what the member was used to seeing. We have a graph that demonstrates the water use against the target of the government. South Australia is doing a great job with water savings.

It gives me an opportunity, and I am pleased to say that the South Australian consumer is doing a terrific job in saving water. People in this state are actively involved in water conservation and understand the importance of the water restrictions during this incredibly dry period. In fact, against 2002, which was the last very dry year, very similar to this year, South Australians have saved 40 billion litres for the same period of time. That is an extraordinary effort, and it has enabled us today to provide some flexibility which I will report to the house in a ministerial statement following question time.

BLOOD LEAD LEVELS

Mrs GERAGHTY (Torrens) (14:55): My question is to the Minister for Health. What are the latest blood lead level testing results in children under the age of five in Port Pirie?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:55): In April this year I reported that the 2007 results of blood screening of children in Port Pirie showed that the number of children under the age of five with lead levels over 10 micrograms per decilitre was at its lowest number since we started recording this data in the early 1980s. Today I am pleased to announce that the results for the first half of 2008 are even better. Some 63.1 per cent of children tested within the first six

months of this year recorded a blood lead level less than 10 micrograms per decilitre. This is an 8 per cent improvement compared with the same period last year.

The member for Frome might be interested in these statistics. There has been a 20.7 per cent improvement in the number of children under the age of five with blood lead levels under the World Health Organisation 'level of concern' of micrograms per decilitre since 2005. Furthermore, the number of children with a blood lead level equal to or greater than 20 micrograms per decilitre—I think a decilitre is one-tenth of a litre—has already halved from 63 children at June 2007 to 32 children at June 2008. The reduction in blood lead levels can be largely attributed to the TenBy10 program, which is a joint initiative between Nyrstar (Port Pirie smelter), Port Pirie Regional Council and the state government. The TenBy10 project has set a goal to ensure that at least 95 per cent of children under five have a blood lead level of less than 10 micrograms per decilitre by the end of 2010. This is a challenging target that can be achieved if the same rates of improvement which have been observed over the past few years are sustained into the future.

Success in reducing blood lead levels in children in Port Pirie has come about due to the combined efforts of the smelter operator, the local Port Pirie Regional Council, the Environment Protection Authority and SA Health. Of particular importance has been the substantial investment by Nyrstar in on-site emission control measures and environmental programs. Extensive community education and awareness programs have had the effect of increasing people's understanding of the interaction of lead dust in the environment and how to limit children's exposure to lead dust within the home. Blood testing undertaken by the Department of Health has identified children with high blood lead levels, allowing us to directly assist individual families to reduce exposure to lead dust.

The figures I am releasing today demonstrate that we are making considerable progress in solving a problem that has plagued the people of Port Pirie for decades. The people of Port Pirie, the local council and Nyrstar are to be congratulated on this achievement.

MINI WIND TURBINES

Mr WILLIAMS (MacKillop) (14:58): What has been the Premier's personal involvement in the mini wind turbines project from its inception to its failure?

The Hon. P.F. CONLON: I have a point of order, sir. That was not a question. The honourable member engaged in debate. He drew a conclusion that he was not free to draw.

The SPEAKER: Order! The house will come to order. The member for MacKillop will take a seat for a moment. It is always difficult for the chair. What is debate and what is not debate to some extent is the question: how long is a piece of string? In essence, something is debate when it is some sort of assertion of something which is contentious. Generally speaking, when one says in the course of a question that something has been a failure it is debate.

I point out that often I hear ministers in the course of their answers referring to things as failures, so it applies to both sides. Debate should not be part of a question, nor should it be part of an answer. As I have said in the past, once a question which contains debate is asked it cannot be unasked. My practice has been, and will continue to be, when I think there is an element of debate in the asking of the question, to give the minister latitude in the course of their answer that they otherwise would not get. For the sake of assisting the chair in maintaining order, I urge members to refrain from debate. Perhaps the member for MacKillop might rephrase the question.

Mr WILLIAMS: Thank you, sir. What is his personal involvement in the mini wind turbines project from its inception to its conclusion? The opposition understands that the decision was made by the Premier that the contract for supply of 40 mini wind turbines, at a budgeted cost of $662,000, would not go to tender. The company which provided the Swift mini wind turbines (known as Mini Wind Turbines Australia Pty Ltd) has closed its doors, with investors writing off their losses. Parliament has heard that the mini wind turbines promoted by the Premier do not work and have never worked and that the project resulted in considerable loss of taxpayer funds.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:01): I advise the house that that is simply not true, and I can understand—

Mr Williams: Which part?

The SPEAKER: Order! The member for MacKillop has asked his question. He needs to give the Premier the courtesy of answering it uninterrupted.

The Hon. M.D. RANN: I understand and my advice is that the honourable member's assertion is simply not true. I point out that we are talking about an amount of money that I am also advised is considerably less than your booze bill for the opening of the Wine Centre, but, anyway. The testing of the mini wind turbine—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Let us put this again into perspective. The testing of the mini wind turbine forms a small part of South Australia's reputation as a pioneer in renewable energy as a response to climate change. As you know—

Mr Williams interjecting:

The Hon. M.D. RANN: He says that it is all spin—$2 billion, I am advised, is the amount of investment in wind turbines in this state. These giant wind turbines which we have provide 53 per cent of the nation's wind power and growing fast—and more announcements are coming very soon. I think it costs the state government hardly anything, but we actually managed to secure billions of dollars worth of investment—

Mr Pisoni interjecting:

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

The Hon. M.D. RANN: —to put is us in a world leadership position. However, the testing of the mini wind turbines forms a tiny part of our reputation as a pioneer for renewable energy as a response to climate change.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The decision to test the micro wind turbines from renewable devices was based on advice received from independent consultants.

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley is warned.

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley is warned a second time.

Mr Kenyon: He's been doing it all day, sir.

The SPEAKER: Order! The member for Newland is warned.

Mr Goldsworthy interjecting:

The SPEAKER: Order! The member for Kavel is warned.

The Hon. M.D. RANN: The consultants provide 'services in the design, management and delivery of energy efficient projects, independent sustainability advice for the design of green commercial and residential buildings and the supply of specialist energy efficiency products'. The advice received indicated that the turbines were well suited for testing. In part, the report states—and I quote from the independent—

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop.

The Hon. M.D. RANN: In part, the report states:

> It is our view that the Renewable Devices turbine is a robust and well engineered product...is likely to achieve, or get close to, the expected installed price of around $3,600 within two to three years.

The report went on to state:

> The turbine performance is comparable or marginally better than equivalent turbines, particularly at higher wind speeds.

Further, it says:

> We consider the risks involved in installing these units are relatively low.

So, five turbines were installed in five locations across metropolitan Adelaide at a cost of around $90,000. You will remember that we also installed solar panels on the advice of Tim Flannery—$250,000 on the roof of the museum. We did the same in the Art Gallery, the State Library, and Parliament House because there was not enough hot air here. There is about $1 million down at the airport, and there is about $8 million being committed to the new royal agricultural show Goyder Pavilion. So this is $90,000 for five turbines. The idea was to encourage the take-up of solar panels—8 per cent of the population, 40 per cent of the nation's solar power, and 53 per cent of the nation's wind power. The five turbines were installed in five locations across Adelaide at a cost of around $90,000.

I am advised that this is an emerging technology which is in the innovation development stage, and which has great potential for commercialisation. The five turbines originally installed were superseded by a new model, which were provided and installed at no cost to the government. I am told that the member opposite said—

Mr Pisoni: There was a recall.

The SPEAKER: Order! I have already warned the member for Unley twice.

The Hon. M.D. RANN: —that these wind turbines were not producing any electricity. A big lie that was, which was said yesterday. I am advised that in the last budget the Department of the Premier and Cabinet proposed the purchase and installation of a further 20 turbines. That went through the budget process, and a further 20 were ordered by other departments.

Local firm AI Automotive established a joint venture with IAG to assemble and distribute turbines for Australia. This venture was independent of government and did not receive any government funds.

Members interjecting:

The Hon. M.D. RANN: That is what I am advised. I am advised that the state government's order for the 20 turbines did contribute to Renewable Devices' decision to establish the venture in South Australia. I am advised that no undertakings were made by the state government to these companies. As it turns out, Renewable Devices could not supply the turbines from the government order, so the government cancelled it. We ordered five—they are producing electricity—and we ordered some more, and they could not supply them, so we cancelled the order.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Yes; they are. That's what I'm advised.

The Hon. P.F. Conlon: Want to stake your job on it, Marty?

The SPEAKER: Order!

An honourable member interjecting:

The Hon. M.D. RANN: Just because you hear Mitch out there saying things, it does not mean to say it is true. The government cancelled the contract. What is the big deal? There has been no—

Ms Chapman interjecting:

The Hon. M.D. RANN: No; we cancelled the contract because they could not supply the order. Presumably, if you order something for your house and then the supplier says they cannot supply it, you cancel the contract. That is exactly what happened. There has been no transaction of funds—again showing the lie of what the Liberals have been peddling—to the AI/AIG joint venture or to Renewable Devices for this order. The money was not paid, again demonstrating the lies peddled by the Liberals. The government remains open to consider alternative proposals—

The SPEAKER: Order! The Premier needs to withdraw the word 'lies'. Saying that someone is peddling lies is, in effect, calling them liars. It is unparliamentary.

The Hon. M.D. RANN: Sir, I was referring not to anything said in this house; I was referring to things said outside of the house.

The SPEAKER: It does not matter whether it is said in the house or not.

The Hon. M.D. RANN: All right, I withdraw it, but they were not telling the truth. There has been no transaction of funds to the AI/IAG joint venture or to Renewable Devices for this order. Here is breaking news! The government remains open to consider alternative proposals involving renewable energy generation through mini wind turbines. We have been very successful in all of these other areas of renewable energy, valuing billions of dollars, and if we can get a mini wind turbine industry going in this state, that would be terrific.

Governments can have a role in supporting innovation to create industries which have the potential to benefit the economy as well as the environment. I would have thought that that is what you want us to do. The Carbon Pollution Reduction Scheme will lead to increased energy costs and act to stimulate this activity. The South Australian Strategic Plan has a target, which states:

> The proportion of South Australian businesses innovating to exceed 50 per cent in 2010 and 60 per cent in 2014.

The community expects leadership in this area, and South Australia continues to provide it. Yes, we did purchase five mini wind turbines. Yes, they do produce electricity. Yes, we did, going through the proper processes, order another 20. Yes, the company could not supply them. Yes, we cancelled the order, and no, we didn't pay them. That is my advice.

So, the great thing is that we have 8 per cent of the population of Australia, 53 per cent of the nation's wind power—more wind power than all the other states added together—and we have 80 per cent of the nation's geothermal investment. By the end of 2010, the Prime Minister, after signing the Kyoto Protocol, said that he wanted all Australian states to reach 20 per cent of our power coming from renewable energy by 2020. I have told the Prime Minister that we will reach his target 10 years ahead of time.

MARJORIE JACKSON-NELSON HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:10): My question is to the Minister for Health. Is the person in charge of the planning for the Marjorie Jackson-Nelson Hospital the same person who headed the team that wrote the Country Health Care Plan released in June this year?

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: On 26 October 2008, the Under Treasurer named Mr David Panter as head of the planning team for the Marjorie Jackson-Nelson Hospital. He said:

> Quite a good team has been put together. David Panter is heading it.

Mr Panter is also the Executive Director of the Statewide Service Strategy Department.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:11): The Deputy Leader of the Opposition has sunk to a new low today in asking that question and naming a public servant who is doing his duty. Let me say to the house, to the public and to the world: I am responsible for the country health plan—its successes and failures—and I accept all that responsibility.

MARJORIE JACKSON-NELSON HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:11): Is the same person—

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: Is that person also the person who approved a taxpayer-funded media campaign commencing this weekend, asking South Australians for ideas on what to put in its new hospital?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:12): The Deputy Leader of the Opposition has

asked me a question about our intentions to seek public advice and public views about the new Marjorie Jackson-Nelson Hospital, which I think is a good thing. It was my decision that—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It was my decision that we should do that. In her previous question, the deputy leader made the connection between the Marjorie Jackson-Nelson planning process and country health, and one of her criticisms—if members recall—when we went through the country health plan, was that we did not consult with the community. I am consulting with the community in a very public way, through the biggest selling newspaper in South Australia, and we are asking every citizen of this state to tell us what they would like to see in that hospital. That is a good thing.

SPECIAL INVESTIGATIONS UNIT

The Hon. I.F. EVANS (Davenport) (15:13): Can the Minister for Families and Communities guarantee to the house that, when the Special Investigations Unit investigated Tom Easling, the whole of the investigation was conducted within the unit's powers and in accordance with the department's Special Investigations Unit Philosophy and Practice Guidelines?

On 21 June 2004, nearly six months after the Easling investigation commenced, and just weeks before Mr Easling's arrest, crown law wrote to the department regarding the powers of the Special Investigations Unit. The crown law advice states:

> Employees of the Special Investigations Unit have, prime facie, very limited power to investigate matters arising from the care of children or alleged abuse of children.

It continues:

> I am of the view therefore that it would be an essential prerequisite that the Special Investigations Unit be given delegated authority to investigate the alleged abuse of children.

It continues:

> I am of the view that without either delegated authority to investigate under section 19 of the act, or specific statutory authority to investigate matters, the officers of the Special Investigations Unit would have very limited authority to question members of the public. They would certainly have no power to insist on people answering questions or to provide written or oral information about a child.

Both the department's Philosophy and Practice Guidelines in draft form in 2004, and in final form in 2007, state:

> A special investigation will not include matters where a historical allegation is made and the alleged victim is over 18.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:14): The role of the Special Investigations Unit is to look into issues to ensure that children who are under the guardianship of the minister are in safe places. We know that under the previous government's regime, under its rules, those powers were left with local managers, so people who were intimately involved with the children and with the carers conducted those assessments. It was decided that that needed to be done independently of the local officers, so the Special Investigations Unit was established.

Mrs Redmond interjecting:

The Hon. J.M. RANKINE: They do not make their own rules. They are independent to ensure that our children are safe. This is what the focus has to be on. It would be really good if the member for Davenport actually concentrated on children's safety. I have to say that in certain circumstances each and every one of us would question whether our children would have been safe in Mr Easling's care.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: It is not a disgrace. We had people going into that house and finding semi-naked boys in his bed.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: If you want me to go into detail I can. It is very unsavoury.

Members interjecting:

The SPEAKER: Order!

POLICE, FINES

The Hon. G.M. GUNN (Stuart) (15:17): My question is directed to the Minister for Police. Why are certain police officers issuing an excessive number of on-the-spot fines for trifling matters—

Members interjecting:

The Hon. G.M. GUNN: Just listen—

Members interjecting:

The SPEAKER: Order!

The Hon. G.M. GUNN: I am here to stick up for the rights of ordinary, hard-working, rural producers—and if you cannot raise it in this place where else should you raise it?

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. G.M. GUNN: In particular, a constituent of mine was issued a $500 fine for carting a tank so that his cattle do not run out of water because, allegedly, it was 50 centimetres too high. Another operator was on Highway 1 and was given a $400 on-the-spot fine because the exhaust system was some 30 to 40 centimetres too high. He was made to remove it and had to get up on top of the hood of the truck—which, as I understand it, is not in accordance with occupational health and safety rules. However, when that truck has a sheep crate on it or is carting bales of wool then that is far in excess of the height of the exhaust.

I would also like to point out that the officer in question said that it was his job to sort out the transport industry and that he did not have to put up with idiotic truck drivers. That is contrary to undertakings given by the Minister for Transport when the legislation was in the parliament. I have a copy of one of the notices and, if the minister likes, I am happy to tell him the name of the police officer.

The SPEAKER: Order! The member for Stuart has more than explained his question.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:19): I thank the honourable member for his question, and will take him up on his offer of providing that additional information. Obviously, I will pursue those matters for him. As the member would be aware, there are avenues that individuals can take if they think they have been wronged—police complaints, for example—but if the member could supply me with those details I will pursue the matters with the police on the member's behalf.

MULTICULTURALISM

Ms CICCARELLO (Norwood) (15:19): My question is to the Minister for Multicultural Affairs. Can the minister inform the house about action being taken to further strengthen an appreciation for cultural and religious diversity in schools, preschools and child-care centres?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:20): Multiculturalism is regarded by many as being one of South Australia's greatest achievements and assets. Today multiculturalism enjoys widespread support. Indeed, in a recent household survey of more than 6,000 people, almost nine out of 10 South Australians recognised that cultural diversity was a positive influence.

Multiculturalism allows us to live in harmony and to express and share our cultures. I am pleased, therefore, to be able to report that Mr Hieu Van Le, Lieutenant-Governor and Chairman of the South Australian Multicultural and Ethnic Affairs Commission, and Mr Chris Robinson, Chief Executive of the Department of Education and Children's Services, have written to all departments, schools and sites to reinforce the message about respecting diversity.

With the approach of the festive season, they wrote to remind people about the importance of recognising the rights of individuals and groups to maintain and express their own cultural and religious preferences. This means that we welcome and encourage the observation and celebration of religious events such as Christmas. Such activity is entirely in keeping with multiculturalism in policy and practice.

Multiculturalism is not about replacing one cultural or religious tradition with others but, rather, about respecting the rights of individuals and groups to maintain and express their own cultural and religious customs. It is about the public being open to and welcoming the benefits of diversity.

It is also important to consider the backgrounds and cultural and religious preferences of children and students in the care of schools, preschools and childcare centres when offering and promoting food to them. The importance of the relationship between children, parents and families and our schools, preschools and childcare centres is crucial, so that information about cultural and religious preferences, including the dietary requirements of children and students, are known and allowance can be made for that.

The message is consistent with the DECS multiculturalism in schools and children's services policy, the countering racism policy and guidelines and the Eat Well in Schools and Preschools Healthy Eating Guidelines. I welcome the action taken by Mr Hieu Van Le and Mr Chris Robinson, and I am sure members of the house would support the government in its endeavours to reinforce this message about respecting diversity.

From time to time I receive letters from constituents protesting that they think it is the wish of Muslim people to remove Christmas and Easter from our schools. Reasonable South Australians know they have nothing to fear. Indeed, many Muslims have made important contributions to the state's life and economy.

The Muslim holy book, the Koran, recognises Christianity as a faith of Abraham, like Islam and Judaism, and Jesus Christ is mentioned often in its pages as a prophet. Indeed, the mother of our Lord is mentioned more often in the Koran than in the Bible. The Nativity of Christ is also mentioned in the Koran.

Rumours accusing Muslims or other non-Christians of endangering Australia's Christian holy days have been mischievously started by fringe elements who wish to spread racist hatred and notions of racial supremacy and disrupt Australia's social harmony. Thanks in no small part to the universal power of the internet and the world wide web and the misuse of that power, these myths—and that is what they are—spread fast.

Meanwhile, left-wing secularists and busybodies who try to ban Christmas in our schools and kindergartens manage to deflect blame onto those who are innocent of this caper, namely, Muslims, Jews and others of a non-Christian religion. Since the 1970s, we have built a state of more than 160 cultural and ethnic origins that is exemplary in its harmony, its cohesion and the absence of conflict.

Our example is looked upon with envy by many in the rest of the world. South Australians are encouraged to retain the best of their traditions and cultures and to express them, but only within the rule of law and with respect for their fellow South Australians. I am glad to make it plain that our holidays, beliefs and traditions are not under threat from Muslims, Jews, Buddhists, Hindus, Sikhs or any other religious community. Multiculturalism must not and should not be used as an excuse to ban nativity scenes and plays in our schools. I suggest it is often atheists and agnostics who, when challenged, claim to be acting on behalf of Muslims, Jews and other non-Christian religions in using multiculturalism as a smokescreen. Any such claim is a fraud: they are acting only for themselves. I am pleased that action has been taken by Mr Hieu and Mr Robinson to set the record straight.

WATER RESTRICTIONS

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:25): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I am pleased to advise the house that, as of Monday 3 November, greater flexibility will be introduced into our current enhanced level 3 water restrictions. In recognition that some gardens may require a midweek watering as summer

approaches, households will have the option of spreading their current three-hour a week watering times across two days. Hours of watering will remain the same at a maximum of three hours per week, but householders will have more options regarding how they split those hours.

I acknowledge the magnificent effort that South Australians have made in reducing water consumption and, as a result, the government believes that there is now scope to introduce added flexibility within the current system. The advice that I have received from the SA Water Customer Council, the Urban Water Drought Reference Group and gardening professionals is that such a flexible arrangement will reduce the risk of over-watering and provide a better chance of our trees and gardens surviving yet another dry summer.

In adopting these new arrangements, I am sure the overwhelming number of households will do the right thing, as they have already demonstrated since the introduction of enhanced level 3 restrictions. SA Water will be carefully monitoring water use every week and keeping track of any trends in increased water use.

All indications are that the state is facing only average rainfall this summer, so all South Australians must continue to be vigilant. Under the new arrangements within the current restrictions regime, hand-held hoses or drippers will be permitted for a maximum of three hours a week during the following times: even numbered houses on Tuesday and Saturday, 6-9am or 6-9pm; odd numbered houses, Wednesday and Sunday, 6 to 9am or 6 to 9pm. The current rules that allow watering cans and buckets to be used any time on any day of the week remain unchanged. While the state government is not relaxing or easing water restrictions, we are building more flexibility into the system for householders.

The latest SA Water statistics show that South Australians continue to demonstrate their willingness to reduce water consumption since the peak drought year of 2002. This year to date we have saved 40 billion litres of water compared to the same time in 2002. South Australians have also embraced the state government's H2OME Rebate Scheme, which is estimated to have saved hundreds of millions of litres of water around homes across the state.

The community is continuing to respond exceptionally well to restrictions, and recent water savings show that householders are keen to play their part in conserving water. The state government is now placing greater trust in the community to keep watering to a minimum while offering more flexibility in how that water is used.

I am confident that, with these changes in place, the community can continue to build on the substantial savings that have already been achieved. We all have a responsibility to keep saving water during this drought and into the longer term.

DIVISION VOTE

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (15:29): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.J. McEWEN: On page 719 *Hansard* records the vote yesterday afternoon as being 25 ayes and 12 noes. I was in the chamber and I voted as a no. My name is not recorded in the vote. I ask, Mr Speaker, that you have that matter rectified.

The SPEAKER: I think the member for Newland wants to speak on the same matter. The member for Newland.

Mr KENYON (Newland) (15:30): I seek leave to make a personal explanation.

Leave granted.

Mr KENYON: As the teller at the time, I acknowledge that the error was mine, and I apologise to the minister.

The SPEAKER: I am satisfied that the minister was present in the chamber at the time of the division. I make the point that the addition of the minister to the noes does not alter the result. Nonetheless, I will order that the records be amended to reflect the vote of the minister for the noes.

FOSTER CARE PAYMENTS

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:30): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.M. RANKINE: I would like to clarify some information I gave in response to a question from the member for Davenport in relation to foster care payments. Between 30 June 2007 and 1 October 2008 the average carer payment to assist carers to look after children has increased by nearly 50 per cent.

GRIEVANCE DEBATE

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:31): I rise today to speak about the government's redevelopment of the Glenside Hospital site and, in particular, the contributions that are ongoing to the inquiry into the proposal in another place. There are a number of aspects of this which, of course, are under consideration, and one of the important submissions presented recently was from the Public Advocate, Mr John Brayley, a former director of mental health and someone whose history of service to public mental health services is well recognised.

Mr Brayley made a submission which I am pleased to note is fully consistent with the Liberal Party's position, that is, whilst we endorse the importance of redeveloping the Glenside Hospital facilities, which clearly are outdated and need to be rebuilt, it is also very important that we maintain adequate space in the new hospital to meet consumer priorities, that we maintain adequate space on the site for future expansion and, in particular, that we ensure housing is a feature. Adequate accommodation for people suffering mental health problems currently is almost completely absent. The redevelopment should take into consideration the importance of future housing for mental health patients.

In his submission the Public Advocate also provides an interesting contribution about making provision within the grounds for social firms and research, which has already been the subject of an institute recommendation to the select committee, included in an interim report to the parliament. He also makes some comments in relation to a model of integrated governance. This clearly demonstrates that, yet again, we have a professional person saying that to sell off 42 per cent of the Glenside Hospital site and use it for services other than those consistent with mental health (that is, accommodation and services) is ill-conceived and totally inconsistent.

A particular example is the decision to press ahead with the film and sound hub on the Glenside Hospital site. This is the $45 million expenditure which is being established right at this moment. Here we are with New York in meltdown and the government today saying it has had to announce a three-year delay in the development of the forensic mental health facilities at Murray Bridge, yet it is pressing ahead with the $45 million development at Glenside Hospital.

I have received under freedom of information a letter from Mr John Harley, the previous public advocate, to the former minister. He sent a letter on 24 May 2006, which was referred to in a letter of the Hon. Gail Gago of 15 September 2006. As if that is not insult enough—to delay a response on this important issue—the government decided to close down the special stay unit and throw out the mental health patients—detainees as they were at that time—into other facilities. In his letter, Mr Harley says that this is contrary to the professional advice of psychiatrists. Three psychiatrists were overturned by a directive from Glenside to throw these people out. They were not sent to other facilities: one was sent to the Arkaba Hotel and was guarded by two GSL officers. They were held under surveillance in a hotel after being thrown out of Glenside Hospital.

This is another example of the government being totally dismissive of the importance of protecting mental health patients. We are seeing it again. At present the government is making decisions which it claims are covered by decisions that are supported by psychiatrists in respect of aged patients at Glenside, a third of whom have been earmarked for exclusion. That is totally unacceptable.

Time expired.

WHITE RIBBON DAY

Ms THOMPSON (Reynell) (15:36): Originally, I intended to spend my time talking entirely about the joys of the Fleurieu Peninsula Food and Wine Festival Fiesta, which has been occurring during October. I will abbreviate that, because there is something else I now want to speak about. I place on record my congratulations to the committee and the participating restaurants and wineries in the Fleurieu Food Fiesta, particularly Victoria Minenko (chair of Fleurieu Peninsula Food) and Cheong Liew (ambassador for Fiesta). I invite members to look at the Fiesta website to see what they missed if they did not participate.

The reason I want to focus my remarks on something else today is that I saw an item on Adelaidenow, just before I came into the chamber for question time. It was posted at 12.19pm today. The article states 'Man proud of love rival's car' and continues:

> A jilted lover has gone from crushing despair to crushing his rival's car. Plant hire boss Martyn Wright, 30, used one of his 13-tonne diggers to destroy the Toyota land cruiser owned by his employee and childhood friend Anthony Simpson, *The Sun* reports. Mr Wright 'saw red' after discovering risqué text messages from Mr Simpson, 22, on his partner Linda Kirkham's mobile phone, Chesterfield Magistrates' Court in Derbyshire, England was told. He was given a conditional discharge…But outside the court he said he did not regret his actions. 'Every bloke in the country who has been in the same position as me would cheer what I did,' the *Daily Mail* quoted him as saying.

The original article in the *Daily Mail* states:

> I brooded on it for a couple of weeks before I did what I did, but everyone in the village knows I'm not a man to be messed with. If you mess with fire you're going to get burnt. That is just one thing you don't do to your mates.

My alarm and concern was raised by this article because in the response in the *Daily Mail* there were comments such as: 'I like this man! Martyn, you could do a roaring trade hiring your digger to other disgruntled boyfriends. A few years ago I would have been one. Good luck mate.'

This week we have seen the launch of White Ribbon Day, which is about men standing up against domestic violence in our community. I was not able to be present this morning, not being a man standing up against violence, but I am pleased to say I have heard many reports of it. I hope I am accurately quoting what I believe Andrew O'Keefe said. Andrew O'Keefe is the host of *Deal or No Deal* and the Chairman of White Ribbon Day. Although I have not been able to obtain his speech, I have been able to obtain some other remarks from a media release of 5 September in which Andrew O'Keefe says:

> Boys receive all kinds of messages about what it means 'to be a man'. Many of these are conflicting and potentially harmful to their development, particularly the expectation to 'be tough' and 'in control'.

My reports from that meeting—and I hope the member for Goyder will signal to me if they are inaccurate—indicate that, at that time, Mr O'Keefe talked about the problems of boys being taught to be in control and that the ultimate form of domestic violence, in his opinion, was when a father kills his children in order to seek revenge on his wife.

Mr Griffiths interjecting:

Ms THOMPSON: The member for Goyder confirms this. The part of domestic violence that is not always understood is the part about control of what a partner does. It is usually a man controlling a woman, but it is not always. However, the overwhelming majority of cases are. I invite *The Advertiser* to get on board with what Andrew O'Keefe is doing and to challenge these assumptions about being a man means always being in control.

Where is the role of the woman in this situation? She is silent in the story. She is a free individual able to make her own decisions. She might have made a wrong decision, but it was her decision, and what message does she get when someone fights like that over her?

MEMBERS' BEHAVIOUR

Mr GOLDSWORTHY (Kavel) (15:42): I rise today to express my concerns at the ongoing poor level of behaviour by members of the government. In this house, we have already heard the Deputy Premier blaspheme. Even their leadership discussions of a fortnight ago have been excused by the Premier as being the result of excessive intake of alcohol. Recently, the Premier also played down an incident of alleged abusive behaviour by the member for Morialta when a hairdressing appointment ran a few minutes late. These incidents point to a culture of poor behaviour by Labor MPs.

Today, a set of documents came into my possession confirming that this is not the first time that such behaviour by the member for Morialta has caused concerns. As members may recall, prior to coming into this house, the member was the CEO of the Blind Welfare Association. These documents detail a meeting between staff, the board and an independent consultant to resolve allegations that the CEO, Ms Lindsay Simmons, was abusive, abrupt, dogmatic, overpowering, loud, harassing and insulting. The concerns were accepted, prompting an apology by Ms Simmons and action by the board. The claims detailed in a transcript of the meeting make for sombre reading. They suggest that the Premier may well be sitting on a potential time bomb if the member's behaviour has returned to the levels exposed in this report.

On 12 December 1997, the staff of the Blind Welfare Association met with the executive board of management and the Australian Services Union. Among their concerns were the following: staff were in fear of her outbursts of rage; and a staff member recalled how her CEO was yelling and screaming until she was reduced to tears and would say to herself, 'Think of trees, Julie, think of trees. Get out of here in your head, just escape.' Another staff member related how language used in these outbursts affected staff, the public and other dealings with the association. The staff member said:

> I am not a prude but f... is not a word to be used in the office and it's used commonly. It happens in front of the public. It happens in front of the staff. It is witnessed in the social centre.

That staff member approached the CEO and said:

> Do you know that your staff are feeling persecuted? Do you know that your staff are feeling threatened?

There is the sad recollection of an incident where a staff member witnessed harassment which caused a female worker to start hyperventilating, with her baby kicking around. The female staff member was told by her doctor never to return to work.

A series of incidents are related where staff claim mental abuse over a period of years. Sadly, the transcript of this meeting reveals that the Blind Welfare Association lost a number of volunteers because it was unable to deal with the abuse from what is described as a 'raging red-faced CEO'. In a response document, Ms Simmons as CEO, accepts the claims of abusive, abrupt, dogmatic, overpowering, loud, harassing and insulting behaviour and promises to try to change. A subsequent document details the finding of the board of management. It states:

> They are committed to providing a safe workplace for staff and have counselled Ms Simmons.

Ten resolutions were made to address the problem. Subsequent to that, an independent consultancy firm, Morgan and Banks, finds that urgent action is required to resolve a serious deterioration of relations between the CEO and staff. The report details an incident on 1 December 1997, where staff claimed the CEO had said, 'I'm going to kill you. I'm going to f.....g kill you.' The report finds that prima facie evidence exists to support claims of vilification.

I raise these issues because the public of South Australia is tiring of the abusive nature of this government. I say to the Premier: you clearly have a problem. Just as the Blind Welfare Association did, I suggest the Premier takes serious steps to address the problem.

SOCCER

Ms CICCARELLO (Norwood) (15:46): Next Wednesday, Adelaide United will play in Osaka, Japan, in the first leg of the Asian Champions League final before returning for the decisive second match in Adelaide on 12 November. Asia is home to more than 4 billion people and more than 60 per cent of the world's population. The Asian Football Confederation has 46 members, and it invited its top 14 nations to enter their best clubs in the 2008 Champions League. That competition began in March, with 29 teams, and now only Adelaide United and Gamba Osaka remain.

United's achievement is even more impressive, given how wealthy some of those 29 clubs are. Australia's A League is restricted to a salary cap of $1.9 million a year for its squads. Clubs from Japan's J League and South Korea's K League do not have salary caps and are able to spend more money on players. Adelaide United has already eliminated a J League club by defeating the Kashima Antlers in the Champion's League quarter-finals. The semi-final victory over Bunyodkor of Uzbekistan was, arguably, even more impressive.

Bunyodkor's team included Rivaldo, a former FIFA World Player of the Year. Rivaldo has a World Cup winner's medal from 2002, and he represented Brazil 86 times. Bunyodkor is able to

pay more than €5 million per year to Rivaldo, and that is more than five times the amount Adelaide United pays its entire squad.

As well as reaching the Champions League Final, Adelaide United has won a place in the FIFA Club World Cup, which will be played in December. This is an exclusive seven-team tournament for the continental club champions around the world. Because the Club World Cup is held in Japan and the champion of Japan is guaranteed a place, Asia will also be represented by the highest placed non Japanese team in the Asian Champions League, and that team will be Adelaide United, irrespective of the result of the final against Gamba Osaka. The schedule of matches for the FIFA Club World Cup is already known. If Adelaide United wins at the quarter-final stage of the tournament, it will play Manchester United in the semi-final.

Like most members, I am a passionate supporter of Australian Rules Football as well as soccer, but I urge soccer non-believers to at least recognise that soccer's global appeal creates possibilities that are well beyond the reach of Aussie Rules. On 12 November, the champion club of Asia will be crowned in Adelaide, and yet we cannot host an AFL grand final; not because we do not have a big enough stadium, but because the AFL will not allow its grand final to be held anywhere but the MCG.

The subject of sporting stadia seems to have attracted some discussion recently, and it would be remiss of me not to address it. In all the calls for the 12 November final to be moved to a larger venue, a rather important detail has been missed. The Asian Football Confederation's regulations for the Champions League prevent Adelaide United from playing the home leg of the final at a different venue from the one the club used throughout the competition. Article 12(i) of the regulations for the AFC Champions League 2008 states:

> Throughout the competition a club must play all its home matches in the competition at one and the same stadium unless forced to do so otherwise because of circumstances beyond its control.

In other words, you can play the final at AAMI Stadium just as long as you have played all of your other Champions League matches there as well.

Adelaide United's first home match in this year's Champions League was against China's Changchun Yatai in March. The official crowd figure that night was 10,510. Indeed, Hindmarsh has been sold out only three times this year: for the Champions League quarter-final against Kashima Antlers; the semi against Bunyodkor; and the upcoming final against Gamba Osaka. It has not been sold out for any A League matches in 2008.

Many of the teams that have competed in this year's Champions League also play in small stadia. Adelaide United's recent match in Tashkent was played in front of 17,000 people; Bunyodkor's stadium has the same capacity as Hindmarsh; and Gamba Osaka's home ground, which will host the first leg of the final, has a capacity of 21,000.

It is extremely sad that so many fans will miss out on 12 November, but that has absolutely nothing to do with what stadia are and are not available in Adelaide: it is simply a result of the rules of the competition. Unfortunately, Adelaide United will not be competing in the 2009 Champions League even if it wins the final, unless the Asian Football Confederation changes its entry criteria. There is no place in next year's Champions League for the 2008 winner, and Australia will be represented by the Central Coast Mariners and the Newcastle Jets. Even if United competed in the 2009 Asian Champions League and reached the final again, it would not host it.

From next year, the Champions League final will be a single match played at a neutral venue. Of course, we can, and should, debate the future of our sporting venues, but there is no need for a new one at this time. As Australia is bidding to host the 2018 FIFA World Cup, I simply urge those responsible for any future upgrades of AAMI Stadium, and perhaps Adelaide Oval, to ensure that they have a full understanding of FIFA's guidelines for World Cup stadia. Stadia capacity is important, but it is not the be all and end all, and there are many other important criteria. Several of the stadia used in the World Cup in Germany two years ago had capacities of less than 50,000. The Frankenstadion in Nuremberg held just 41,000 spectators.

In closing, I would like to congratulate everyone involved with Adelaide United for what they have achieved: the club's owner, Nick Bianco; the manager Aurelio Vidmar; all the coaching and training staff; Sam Ciccarello—yes, we are related—Michael Petrillo; and the players, in particular, who have shown skill, determination and resilience in combining their Asian Championships League campaign with the regular A-League season. I wish them well in both the final and the FIFA World Cup.

The DEPUTY SPEAKER: I think we all wish them well.

STIRLING EAST PRIMARY SCHOOL

Mrs REDMOND (Heysen) (15:51): I am sure that the member for Norwood almost outdid the member for Morphett in the speed of delivery of that grievance, if that is possible, but I doubt it. I rise with the most pleasant grieve this afternoon. It is my great joy to talk to the chamber about one of the wonderful schools in my electorate, and I have many wonderful schools in my electorate, stretching, as it does, from the central Hills area way down to Mount Compass and Kangarilla. So, there are some fabulous schools.

In particular, today I want to talk about the school that happens to be closest to my home and the one that my own children attended, and that is Stirling East Primary School. I do not know how many members of the chamber saw the news during the week, but little Stirling East Primary School won the Tournament of Minds—not just the state Tournament of Minds, but the Tournament of Minds Australasian Pacific finals in Melbourne. This little team from Stirling East Primary School were the winners of the Australasian Pacific finals in Melbourne in the primary maths engineering section, beating not only all other states, but also selected teams from Singapore.

These kids from little Stirling East Primary School in the Adelaide Hills put themselves up against the best that the rest of the country—and even Singapore—had to offer, and they won. This is not a simple thing. In fact, when I read about the details of the actual problem involved, I was glad it was them and not me, because I do not think I could have done it. Admittedly, I married a mathematician and I have a son who is an engineer, and other people in the family seem to have some maths skills that perhaps are lacking for me. This competition is not just about maths engineering problem-solving.

I will name the team right at the outset, because I think that every one of their parents, grandparents, aunts and uncles, and brothers and sisters deserve to know the names of these kids. They were: Emily Biggs, Lincoln Bennett, Mitchell Brunker, Isabella Shaw, Madeleine Kok, Daniel Handsworth and Austin Zilm. That is the group that did the test in this wonderful Tournament of Minds. My kids were also involved in it when they were at Stirling East Primary School.

These kids had to design a tower made from paper or light card cubes. They needed to create that tower in a zig-zag format. It also needed to be able to support the weight of 250 grams, and the cubes that they made could not be glued together. So, there was that part of the problem—actually constructing the cubes, making the tower in a zig-zag format, not being able to glue it together, and it had to be able to withstand the weight.

The second part was that they were asked to create a scenario play as to why the tower was built and why it was significant. So, there was a whole other side to this: not just building a tower, but creating a whole play scenario. All states were given the same materials, which were limited; and they were all asked to make props, costumes, masks, and so on, and they were to present it in a square three metres by three metres with no backdrop.

So they had a three-hour lockdown and the seven students I named had to work together, using their individual strengths and their pooled knowledge, to create a seamless presentation taking no more than 10 minutes. In addition to all this—as if this were not enough for them to do in their three hours—they were given a spontaneous problem to brainstorm together and select their top answer.

The Tournament of Minds is pretty high-powered stuff for this very young group of primary school students—when my kids did it they went, I think, to Flinders University and participated against other schools from the southern suburbs and so on—and I have no doubt that each of these seven students will go on to great things in the future, having achieved this. I congratulate those students, Stirling East Primary School and Suzanne Conboy, the teacher facilitator for the Tournament of the Minds at the school.

As I said, I am proud of all the schools in my electorate and I rarely get up to single out one above the others; however, having won such a prestigious national and indeed international event, it deserves the recognition of having it forever in the record of this house so that the school can have a copy of the *Hansard* and know that those efforts were recognised by all of us.

BAROSSA AND LIGHT HERALD

Mr PICCOLO (Light) (15:57): That was a good speech, and I also congratulate the school. Last Thursday evening I attended a function in Tanunda to mark the centenary of the *Barossa and Light Herald*, one of the five local newspapers that circulate throughout my electorate. The Light electorate is well served by local media, and the competition helps keep them lively and relevant to the community.

While today I would like to pay respect to the hard-working and dedicated staff of the *Barossa and Light Herald* I do not in any way want to diminish the important role that *The Bunyip*, the *Leader, The Plains Producer*, and the Elizabeth and Gawler *Messenger* play in keeping my electorate informed—and, of course, there is my own quarterly newspaper *Enlightened*, which I believe makes a valuable contribution to informing the people of Light.

Strictly speaking, the first edition of the *Barossa and Light Herald* was not actually published until Thursday 10 May 1951. At that time Leslie Tilbrook, who was the son and nephew of the founding owners of the *Northern Argus* at Clare, and the owner of the *Kapunda Herald*, sold the Herald to the proprietor of the *Barossa News*, John Liddy. In turn, John Liddy merged the two papers to become what we know today as the *Barossa and Light Herald*. It is the history of the combined papers, on the back of the establishment of the *Barossa News* in 1908, that is being celebrated this year. Fairfax Media, via its ownership of Rural Press, is the owner of the *Barossa and Light Herald.*

Newspapers play a vital role in our community, and this is particularly true for rural and regional communities within my electorate. It is important for people to understand what is happening in their community, whether it be a council issue or the result of a cricket match or a football competition; it is particularly important in this era of globalisation that we never lose sight of the importance of local issues to communities, and our local newspapers are therefore an important conduit to maintain a cohesive and relevant community life.

Newspapers play many roles. One important role is to convey to its community what the community considers to be the proper values and character of that society. At the presentation, Mr Brian McCarthy, Deputy CEO of Fairfax Media Limited, said:

> Any business that sustains over 100 years has many positive attributes: first, a product that the community desires; second, a product that adds value to their lives; third, a product that is passionately and parochially local; fourth, plant, equipment, technology and other resources. But most of all it is people, the people that make any business successful and sustainable where it's fun to work.

Both Brian McCarthy and Tony Swan, the manager of the Herald, paid tribute to the loyalty and commitment to the paper of their staff—and some of the staff I have been in contact with are people such as Graham Fischer, the editor; Michelle O'Reilly, journalist; Peter Argent, journalist; Brittany Dupree, journalist; and Nathan Gogoll, another journalist. There are many hard-working staff on the paper.

I wish to add my personal congratulations to the manager, Tony Swan, the editor, Graham Fischer, and all the staff, who I know try to give everybody a fair go in their paper. In his congratulatory letter to the paper the Prime Minister made the following observations:

> A community newspaper is much more than just a business—it is a vital part of the life of a community. The *Herald* has been a vital part of the Barossa Valley and surrounding towns since 1908. The Barossa occupies a special place in modern Australia as the home of many of our best wines and a much-loved tourist destination...It is also a place with a significant history, much of which has been chronicled in The *Herald* over many years. The *Barossa Herald* has recorded the history of its community for 100 years and has become a vital part of that local history. The *Herald*—

According to our Prime Minister—

> has kept the community aware of local news and events and has helped to build connections between generations of residents, families and businesses in the local community.

He goes on to say:

> May that tradition continue in the century ahead and beyond.

All I can add to the Prime Minister's comments is: hear, hear!

STATUTES AMENDMENT (PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS) BILL

In committee.

(Continued from 29 October 2008. Page 673.)

Clause 7.

The CHAIR: Member for Newland, am I anticipating you in thinking that you are seeking leave to withdraw the amendment you moved yesterday?

Mr KENYON: Yes, I do seek leave.

Leave granted; amendment withdrawn.

Mr KENYON: I move:

Page 6, lines 13 and 14 [inserted section 13]—

Delete 'for a period of more than 14 days, excluding any period when development is suspended'.

These amendments are substantially the same as the amendment I moved yesterday; in fact, the first one is exactly the same, and it has a number of consequential effects. I find it difficult to say more than I said yesterday. I find the idea of human and animal hybrid embryos repugnant. I know that there are currently tests available for checking sperm, which is the stated purpose. I cannot support the creation of hybrid embryos simply for the testing of sperm, when there is another test available that does not involve that. Also, I certainly do not support those embryos being held for periods of up to 14 days.

The CHAIR: I want to clarify something with the member for Newland to make the proceedings clear. I understand that amendment No. 2 is your position in the event that amendment No. 1 fails; is that the case?

Mr KENYON: Yes, that is correct.

The CHAIR: Do you seek the indulgence of the committee to consider No. 1 separately so that it can be dealt with, and then we can move to No. 2 if necessary?

Mr KENYON: Thank you. I do, indeed, seek that indulgence.

The CHAIR: If that is acceptable to members of the committee, we will proceed in that manner.

The Hon. J.D. HILL: Madam Chair, we reached this point last night. Fortunately, we have had some time, which has allowed both the government and the movers of this amendment to consider the consequences of the amendment. Can I explain the government's position in relation to the amendment moved by the member for Newland.

What the member is proposing would, in effect, prohibit the creation and use of hybrid embryos for any reason. I do not support this amendment. The government believes—or, rather, I believe; I guess it is not a government matter—that it is important that hybrid embryos be able to be created and used for testing sperm quality.

The reason for this is that male infertility is rising and sperm quality is falling. Currently, the processes involved in testing sperm quality are undertaken by either one of two means. The first is by observation, that is, looking at it (it is put under a microscope to see if it looks okay, and I guess those who are expert in looking at sperm under microscopes can make a judgment) or, secondly, it is tested to see whether there is any damage to its DNA. Even if this looks okay, there is still a chance that there are other problems with the sperm that would not make it strong enough to penetrate an egg.

The reason for wanting to test sperm is to see whether it is able to penetrate a woman's egg. If the sperm is not robust enough to fertilise an egg in simple IVF treatments (that treatment is the introduction of many sperm into the same dish as an egg), a woman will need to go through other cycles of egg harvesting and try her luck using what is known as intracytoplasmic sperm injection (ICSI). This is when one sperm is introduced directly into an egg. If the sperm is not strong and healthy enough to fertilise the egg, the woman has to go through another cycle and then try again, and so on and so forth, until success is reached or the woman gives up.

Compared to traditional IVF, performing ICSI (which is very effective) is significantly more time-consuming, labour-intensive and expensive. So, it is not performed by default but, rather, only when there are clinical indicators. Current clinical indicators—that is, bad quality sperm—are largely realised in hindsight from failed fertilisation attempts. So, allowing the creation of hybrid

embryos for testing sperm quality will allow better testing, more effective treatment allocation and greater success rates and, I believe, should be supported.

The essence of that is that this is a means by which the quality of the sperm is tested. It allows the doctors or those involved in the IVF process to ensure that there is a minimum number of IVF cycles that a woman has to go through. So, it is saving in terms of resources but it is also saving in terms of the emotional experience that the woman has to go through, because if you maximise the chance of becoming pregnant you minimise the number of cycles of IVF treatment that a woman would have to go through. I think that, from a human point of view, it is a worthy addition.

The member for Newland and the member for Playford last night hit upon a problem with the legislation, and I acknowledge that. It is a problem not only with our legislation but with all the legislation that has been passed through other jurisdictions, as I understand it, because there is an apparent conflict in one section of the legislation. I refer to clause 7, page 6, lines 13 and 14. There is a section that provides that a hybrid can be maintained for 14 days, including any period when development is suspended. That is certainly not the intention of the legislation, and I acknowledge the error that the members have picked up.

The member for Playford has indicated if this original amendment fails he will introduce another amendment which will fix that particular problem, and I indicate to the house that I will support his second amendment, should he get a chance to move it.

As I understand it, the second amendment will remove those words which should not be there and substitute 'that has undergone the first mitotic division'. That, I understand, habitually happens around 24 hours. That would make the test and the law consistent with the intention and consistent with what I said yesterday, that is, the procedure can only be done for testing sperm and will only last until the first mitotic division, which is about 24 hours, which is what I indicated yesterday.

So I commend the members for finding this problem with the legislation. I indicate to them that I will advise my colleagues in other jurisdictions about the matter and suggest to them they might like to consider a similar amendment to the second amendment we are considering here today.

The other thing I should point out to the house is there is a note in the legislation which gives some information to legislators about the intentions of the act. The advice I have is that the note has no administrative force and is a clerical matter. Parliamentary counsel, on my request, will remove it from the legislation. That will help clarify the matter, also. I gather that we do not need to move that: it will just be removed by that instruction.

As I say, I support the second of the amendments indicated, I do not support the first, and I will follow up with other jurisdictions the issues that have been brought to light by the assiduous investigation of the legislation by the members for Newland and Playford.

The CHAIR: I crave the indulgence of the committee for a moment. We have an unusual situation in that the amendment that I understand is referred to that the minister would accept is not the second amendment but rather amendment No. 1 on sheet No. 2. The complication, procedurally, is that both amendments seek the deletion of the same material. The difference is that the amendment on sheet No. 2 then seeks a substitution. There is some concern from the table officers that, once we have ruled out a deletion, if that is the way the vote goes, we cannot then rule it in. I know the opinion of the Speaker but I am getting other advice from the table officers, so I will consult for a minute

The Hon. J.J. SNELLING: Might I suggest a possible solution to the quandary and, that is, with the member for Newland's permission, amendment No. 2 standing in his name, referred to as Kenyon (2), be moved by me; and, when putting the questions at the end of the debate on this clause, you put Kenyon (1) first and, if Kenyon (1) is successful, I will withdraw the amendment.

The CHAIR: Indeed, member for Playford, I agree that does solve the quandary.

The Hon. J.J. SNELLING: I move:

Page 6, lines 13 and 14 [inserted section 13]—

Delete 'for a period of more than 14 days, excluding any period when development is suspended' and substitute:

that has undergone the first mitotic division

I move this amendment. However, I point out that the member for Newland's amendment is my preferred option. The member for Newland's amendment seeks to remove from the legislation the ability to licence for the creation of any animal-human hybrid for whatever reason. This amendment seeks to makes the legislation conform with what the minister was explaining was the intention when we were in committee yesterday; that is, for these animal-human hybrids to be created only for the purposes of determining the viability of sperm. This amendment is a fallback in the event that the amendment moved by the member for Newland fails.

Last night I outlined my reasons for supporting a complete prohibition on the creation of animal-human hybrids. I would add that I do not think there is a distinction between 24 hours and 14 days. Once you have created an animal-human hybrid you have created an animal-human hybrid. The question is how long you allow that animal-human hybrid to develop. I do not think there is any ethical significance in allowing that embryo to develop for either 24 hours or 14 days. It is the creation of the animal-human hybrid which is intrinsically wrong and will always be intrinsically wrong, for whatever reason.

No matter how noble our intentions might be, the creation of animal-human hybrids is contrary to the inherent dignity of all members of the human family—and that extends to human embryos. I move this amendment, realising that it is a least worse outcome. I thank the minister for his cooperation and the speed with which he looked at the issues we raised last night and for being accommodating in making the legislation conform with what he said were the intentions of the legislation.

Ms CHAPMAN: I understand there are two amendments before the committee, one from the member for Newland and one from the member for Playford. While I do not wish to dwell on the procedural aspects, I note what I saw to be a ruling as a result of the Clerk's advice that you would not be able to accept amendment No. 2. I do not agree with that. I place on the record that I think it is quite different and that they should be dealt with separately. For the purposes of the exercise, I do not wish to dwell on that, but just place it on the record for future debates on these matters when it may be much more contentious.

I oppose the amendment of the member for Newland, largely for the reasons that have already been outlined by the minister. I agree with him that this is an important aspect. It underwent a very thorough examination during the inquiry which preceded this legislation both in the commonwealth and in other states. It has probably been one of the most controversial aspects and it has come to us in a much more restricted form. It is consistent with that recommendation but restricted in the sense that there has not been a further allowance of any other proposals which were under consideration in the inquiry.

I say that it is important. It is important for testing. Anything that will assist couples to have children—and that is one of the purposes of identifying the validity, viability and quality of sperm—has to be considered seriously. However, in this instance, a procedure which would mean women having to undertake painful, painstaking, prolonged and repeated procedures is something that also needs to be taken into consideration. To ensure that we relieve women from undergoing these procedures in these circumstances is meritorious. One of the reasons why I support the government's position is that it will allow this testing to be done.

It is important to remember that the whole reason we are dealing with whether a licensed operator can implement a certain technology is that we start with the fundamental base requirement; that is, that we do not hurt, offend or kill embryos. Obviously we have gone into the debate about the creation of embryos. We started that debate nearly 30 years ago, and we have dealt with that. We have strictly applied processes which are only to be implemented for the purposes of using those embryos. In the course of doing that, we had a prohibition on the destruction of embryos. We have returned to the argument of whether we will allow the creation of these types of embryos. It is a new model, obviously a hybrid, but it still causes considerable offence. Some for the old reasons and some for new reasons, but it still causes offence to people. However, it is one in which I see merit in relation to dealing with the quality of sperm.

I must say that, today I heard the minister say—and this is the first time I have heard of this—that, apparently, the number and quality of sperm is diminishing. I have not seen any data on that. I am not sure whether that corresponds with the quality and number of men who might be diminishing. Perhaps it is only confined to sperm. I have no reason to doubt the minister's information. That of itself might be a concern, because I think we already have many more women than we have men in South Australia. However, if the sperm are on the demise, then we could be in some serious trouble. That is all the more reason why we need to ensure that the sperm which,

ultimately, are used for the purposes of IVF procedures especially are in good condition, robust and are able to undertake the challenge for which they are employed. That is my position in relation to the amendment moved by the member for Newland.

I now turn to the amendment proposed by the member for Playford. In this regard, I am not sure that I entirely understand the basis for this amendment. I heard the minister say that this has come about as a result of identifying an inconsistency in the bill. I listened to argument. In fact, he seemed to put the argument more than the member for Playford. However, having to listened to his argument that it resolves an inconsistency, I looked at the bill quickly, and I am not sure that it is necessary. It may be that there is an effort on behalf of the minister to try to give some little morsel to those who are dissenting from this bill by giving them some credit for highlighting and identifying some possible inconsistency. I would put it as high as that. I think that the bill is clear.

However, the member for Playford is presenting the argument that this is the second best, to restrict it on the basis that we define this as prohibitive after the first mitotic division. As I say, I am not certain that that is necessary. I accept, for the purposes of this debate, that it will not do any harm to introduce it, other than the fact that, if we could have consistent legislation around the country, it may require other ministers for health, or those who move these bills in other states, to revisit this so that we maintain consistency.

On the face of it, I do not see it as offending any capacity for the whole legislation to be implemented. But, in South Australia, if it has the effect of doing more than what it currently does, or, in fact, it reduces the opportunity to use it other than for testing purposes past that mitotic division, if I am right, it will not make a scrap of difference. In any event, it may require placing it on the agenda or matters of business in other states for them to resolve.

Personally, I will not be opposing the second amendment. I confirm that, on all these issues, they remain for the opposition a matter of conscience for each of the members; so, I certainly cannot present an opposition position on this.

The CHAIR: I will just confirm that my opinion is the same as that of the deputy leader. However, given that there was some uncertainty about it, and that a way out was provided, I want to make the remarks for the record that this should not be regarded as a precedent for procedural purposes. The member for Playford.

The Hon. J.J. SNELLING: The deputy leader is being a bit of a wet blanket on my minor victory here and said that the Minister for Health is simply throwing a morsel. I would like to—

Ms Chapman interjecting:

The Hon. J.J. SNELLING: It may be a morsel, but it is nonetheless a significant morsel. Just so the deputy leader understands the import of this amendment, the minister has explained to the committee that the intention of the legislation is to allow for the creation of hybrid embryos up to only the first mitotic division, and that is for the purposes of assessing sperm quality for artificial reproductive technology. The legislation does not reflect that. If the deputy leader has a look at the legislation, she will see that section 13, page 6, provides:

> Offence—developing a hybrid embryo
>
> A person commits an offence if the person intentionally develops a hybrid embryo for a period of more than 14 days, excluding any period when development is suspended.

That makes it quite clear that the offence is applicable only to a person who allows a hybrid embryo to continue its development beyond 14 days. The amendment, which I have moved, removes that 14-day qualifier so that it reflects the original intention of the legislation (page 13, paragraph (f)), which addresses the creation of hybrid embryos up to the first mitotic division. There is an inconsistency in the legislation. In one section, it talks about how person might have applied for it (page 13, paragraph (f)), which addresses licensing and restricts this practice up to the first mitotic division, that is, 24 hours.

In clause 13, under 'offence', it allows for developing a hybrid embryo. It restricts the offence of developing a hybrid embryo to only beyond 14 days. That is what the second amendment moved in my name seeks to achieve. I can assure the deputy leader that this is not just window-dressing; that this actually is important in terms of the legislation reflecting the intention of the parliament. Whilst I accept that I am in the minority in my belief that there should be no creation of hybrid embryos, I do not think that the majority of members of the house would be comfortable with the creation of hybrid embryos for any period longer than that. So, if the

amendment standing in the name of the member for Newland fails—which is my preferred amendment—I will support the second amendment standing in my name.

The committee divided on Mr Kenyon's amendment:

AYES (15)

Atkinson, M.J.	Evans, I.F.	Goldsworthy, M.R.
Griffiths, S.P.	Gunn, G.M.	Kenyon, T.R. (teller)
Koutsantonis, T.	Maywald, K.A.	O'Brien, M.F.
Pederick, A.S.	Piccolo, T.	Rau, J.R.
Simmons, L.A.	Snelling, J.J.	Venning, I.H.

NOES (24)

Bedford, F.E.	Bignell, L.W.	Caica, P.
Chapman, V.A.	Ciccarello, V.	Conlon, P.F.
Foley, K.O.	Fox, C.C.	Geraghty, R.K.
Hanna, K.	Hill, J.D. (teller)	Key, S.W.
McFetridge, D.	Penfold, E.M.	Pisoni, D.G.
Portolesi, G.	Rankine, J.M.	Rann, M.D.
Redmond, I.M.	Stevens, L.	Weatherill, J.W.
White, P.L.	Williams, M.R.	Wright, M.J.

PAIRS (4)

Hamilton-Smith, M.L.J.	Breuer, L.R.
Pengilly, M.	Lomax-Smith, J.D.

Majority of 9 for the noes.

Mr Kenyon's amendment thus negatived; the Hon. J.J. Snelling's amendment carried.

Mr KENYON: I would like briefly to thank the minister for the way this has been handled. Sometimes these things can get acrimonious but this has not been that way. I feel it is a somewhat pyrrhic victory and I feel a little melancholy, but I will take it as we have it and move along. The rest of my amendments were consequential on the amendment that was lost.

Clause as amended passed.

Clauses 8 to 22 passed.

Title passed.

Bill reported with amendment.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:40): I move:

That this bill be now read a third time.

The house divided on the third reading:

AYES (25)

Bedford, F.E.	Bignell, L.W.	Caica, P.
Chapman, V.A.	Ciccarello, V.	Conlon, P.F.
Foley, K.O.	Fox, C.C.	Geraghty, R.K.
Hill, J.D. (teller)	Kerin, R.G.	Key, S.W.
McFetridge, D.	Penfold, E.M.	Pisoni, D.G.
Portolesi, G.	Rankine, J.M.	Rann, M.D.
Redmond, I.M.	Stevens, L.	Thompson, M.G.
Weatherill, J.W.	White, P.L.	Williams, M.R.
Wright, M.J.		

NOES (14)

Atkinson, M.J.	Evans, I.F.	Goldsworthy, M.R.
Griffiths, S.P.	Gunn, G.M.	Kenyon, T.R.
Koutsantonis, T.	Maywald, K.A.	O'Brien, M.F.
Pederick, A.S. (teller)	Piccolo, T.	Rau, J.R.
Simmons, L.A.	Venning, I.H.	

PAIRS (4)

Breuer, L.R.	Hamilton-Smith, M.L.J.
Lomax-Smith, J.D.	Pengilly, M.

Majority of 11 for the ayes.

Third reading thus carried.

PARTNERSHIPS (VENTURE CAPITAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 560.)

Mrs REDMOND (Heysen) (16:46): It is my pleasure to rise to speak on this bill. In doing so, I indicate to the house that, whilst I know something about partnerships legislation, I know probably only slightly more than the Attorney-General about venture capital.

The Hon. M.J. Atkinson: Just a little bit—as a result of having practised.

Mrs REDMOND: Indeed—nothing to do with having practised, but having made some inquiries and done a little bit of reading about it. I often say to my colleagues that I want to be put in charge of the Treasury for only half a day, because I figure that in half a day I could rifle out enough money to do the things that I think need to be done in the state. However, I do not think that anyone is ever going to put me in charge of the Treasury, and it is a little surprising to me that I am leading the debate on this bill. However, I do so having the matter come, as it does, under the Partnership Act of this state, although in reality the thrust of the bill has little to do with partnerships per se.

I will just talk briefly about my understanding, in layman's terms, of what this does. I would say that I have a very primitive understanding of venture capital, and that is that people who want to start up a new venture or engage in a continuing venture sometimes have the ability and the wherewithal in all sorts of ways, but they do not have the financial resources to enable them to do so. We now have a more complex system but, for some time, we have been able to make arrangements for those who have money but not necessarily much wherewithal about what to do with it and want to invest. I guess the basic idea is that the return from such an investment can lead to a greater outcome for those investors than what they would get were they simply to put their money into the bank and earn interest on it.

Potentially, if you invest in a business venture and it is a highly successful business venture, you stand to make a lot of money, and there are sound reasons why governments, of all persuasions, think that it is a good idea to encourage money which might be available from private investors in various places to be put into ventures around the country, in this state and elsewhere, so that we can develop new industries, new technologies and research—do all sorts of things—and, rather than governments having to pay for it all, it is a great thing to be able to get some private investor capital.

In recent years one of the things that has been done to enable that is to give tax breaks to people who invest in venture capital enterprises. The history of it is that in 2002—strangely enough, the same year we were dealing with the embryonic stem cell research—the commonwealth parliament dealt with the Venture Capital Act and also amended the Income Tax Assessment Act 1936. I can say I did understand the Income Tax Assessment Act way back when I studied taxation law. During my course I actually felt I had a reasonable grasp of it. I have long ago given up any—

The Hon. M.J. Atkinson: What did your examiners think?

Mrs REDMOND: They also thought I had a reasonable grasp of it. I passed income taxation law, at the very first attempt, and that is really the last time I took much interest in income tax law. Anyway, in 2002 the commonwealth passed the Venture Capital Act and amended the Income Tax Assessment Act to allow these partnerships which are involved with new ventures, venture capital, to be given a certain tax-exempt status, thus encouraging investment in them. In particular, they are constructed so that money from not just other states but also overseas can be brought into new ventures, and even existing ventures, in this country.

As is often the case, of course, because of the fact that we established our Commonwealth Constitution way back at the turn of the previous century and in those days we did not have corporations and all sorts of other things that exist today—

The Hon. M.J. Atkinson: Yes, we did. We had companies.

Mrs REDMOND: We had companies, but we did not have federal legislation covering companies, and so on. What has happened is that, constantly these days, we seem to be confronted with the situation where the federal parliament is deemed the appropriate mechanism whereby things can be legislated but the reality of our constitutional breakup is that the states have to pass legislation which goes hand in hand with the commonwealth legislation to give effect to what everyone intends. That is what is happening in this particular case.

At the moment there are already three different sorts of entities which can receive the benefit of this income tax exemption, and they are: a venture capital limited partnership; an Australian fund of funds; and a venture capital management partnership. A couple of years ago, I think in 2005, the states amended their partnership acts of various kinds to take advantage of the fact that the commonwealth had introduced these changes to the Income Tax Assessment Act, and these various entities under the partnership acts in the various states could get the benefit of the tax-exempt status.

I am still not quite sure why the new one that we are now trying to encompass within the legislation is not covered by what we already have, and I am contemplating whether we should go into committee to ask the Attorney-General to explain in detail what the difference is between the various forms of venture capital limited partnership, Australian fund of funds and venture capital management partnership, and how it is that they do not capture investments in small, early stage or start-up businesses. My understanding is that the current amendment is aimed at specifically trying to capture venture capital money which will be applied to those early small businesses and early-stage start-up ventures. All that this legislation is doing is adding to the three existing tax exempt entities a fourth entity for early stage venture capital investment.

Although I do not think it is stated in the second reading, it is apparent that, with the other states already having done the same in relation to the three venture capital entities that already have tax exempt status, they will legislate to make this new entity—the early start-up venture capital partnership—part of their tax exempt package. Therefore, if South Australia did not proceed to amend its Partnership Act in line with that, the consequence, apparently, would be that venture capital people with money to invest in new or start-up ventures would be likely to invest that money elsewhere than in South Australia. Clearly, that is unlikely to be in the best interests of this state.

We want to be on an equal playing field with the other states when it comes to attracting money into this state; and it is not only money from other states but also money from overseas. I know the Premier keeps talking about our mining boom. In fact, in South Australia we are in the midst of a mining exploration boom—and there is no doubt that is the case—but it has not yet turned into a mining boom. Indeed, when I was working on the Far West Coast with the Mirning Aboriginal tribe and talking to the people involved in mining exploration, we organised lessons for the Aboriginal tribal groups about mining exploration and its likely impact.

They used the figure of 100:1. They said, 'Even if we start exploring, we are still at the point of its being a 100:1 shot that we will end up with a mine.' A mining exploration boom does not equate to a mining boom, but I am sure we all hope it will eventuate into a mining boom in this state. Of course, we have biotechnical advantages and various defence contracts where all sorts of money could be involved in the research and development of new ventures associated with any number of new technologies, new industries and new businesses in this state.

The plan is to amend our Partnership Act—as we anticipate the Partnership Act in all the other states and territories will be amended—so that early stage venture capital limited partnership (which is the new entity) can be included as the fourth of the tax exempt entities and be able to attract further venture capital into the state of South Australia. Hopefully, there will be significant

benefits in this state for small business. I note that, although we are talking about small business and we normally define small business as an enterprise with maybe 15 to 20 employees, in this case we are talking about something well beyond that in my estimation because we are looking at a minimum of $10 million and a maximum of $100 million and an entity that must be in existence for a minimum of five years to a maximum of 15 years.

Although we are talking about small business, the sort of money that can be involved in some of these start-up ventures is significant. Obviously, with those sorts of figures we would want to attract that sort of money into this state. Accordingly, the Liberal Party does not hesitate in deciding to support the passage of this bill through the chamber so we can enter as quickly as possible into the tax exempt status for the various entities.

[Sitting extended beyond 17:00 on motion of Hon. M.J. Atkinson]

Mrs REDMOND: I will resume my remarks simply to conclude them by saying that we support the bill. We wish it speedy passage. We do not have any hesitation in indicating our support for this, albeit, as I said, I have an extremely limited knowledge of the details of venture partnerships.

Mr GRIFFITHS (Goyder) (17:00): I commend the shadow minister on her contribution to this bill. I must admit, when it was first put on the table, there was some confusion on my part about who had responsibility for it, given its tax implications, and whether it came within my portfolio responsibility of finance or, indeed, the shadow attorney-general's, but we quickly cleared that up via a telephone conversation. I also fully support the bill. It is an enormous opportunity for South Australian businesses to have the chance to grow in a way that some might never have anticipated.

It is important for us in the chamber to recognise that, in the business community, it is often hard to attract the capital that a business needs to grow its business to its maximum potential. There are people out there, though, happily enough, who are prepared to invest with some degree of risk attached to it to ensure that, when they see an opportunity for something which they think has a bright future, they can be part of it, although not necessarily from the early stages because, as the shadow minister said, a business does need a history of a period of years behind it and a sum of turnover. However, when they see an opportunity either in a niche market or an existing market which is achieving greater exposure, they want to invest because they see a greater chance for return.

In these uncertain economic times, we still need venture capitalists. The most common tendency would be to consolidate all investment opportunities and take the lowest risk option, but with the opportunities presenting themselves in South Australia at the moment, it is important that we encourage people who do have the cash reserves to undertake that level of investment. Therefore, an acceptance of the fact that federal regulations need to be applied in South Australia and this chamber and the upper house ensuring that the bill passes swiftly will only act as a stimulus for opportunities that exist in our state.

South Australia, as the shadow minister mentioned, is predominantly based around small business. We consider small business to be far smaller in size than the scope being considered here, but many South Australian businesses fit within that level which, under the national economy, would be defined as relatively smaller businesses. For those businesses to have the chance to compete and to grow their business, and to take on the big boys who might exist in the eastern states, it is important that we support the legislation, therefore creating some tax advantages for those people who do take the risk.

In trying to develop a greater understanding of what venture capital means, I visited a few websites. I must admit that the definition of venture capital provided on the Australian Private Equity and Venture Capital Association Limited website was very helpful. It puts it quite succinctly and it makes it quite easy for any person, no matter what their background, skills and experience, to understand what it means. I then visited a government website, Venture Capital SA, which again is an organisation of government which has been established to support venture capitalists and to ensure that funds are available. It is pleasing to see that the government is taking a very pro-active stance.

I have no doubt that, on our coming to government, that will also be our philosophy. Our belief is that growth in the economy must be based around private investment opportunities. We

want to ensure that we support it in every possible way. The acceptance by the federal government to provide tax rebates to encourage venture capitalists and the adoption of this bill within South Australia is only a good thing, and I certainly support the shadow minister in commending the bill to the house.

Dr McFETRIDGE (Morphett) (17:05): I rise in support of this legislation. I am just a humble veterinarian; I am not a financial guru, but I do understand that, if you are going to develop new enterprises or new businesses of any sort, you want to look at every possible way of encouraging the development of those businesses. This bill is part of a range of legislation aimed at increasing the opportunity for small businesses in South Australia. Certainly, with biotechnology developing the way it has and the way it will continue to develop after the passage of today's legislation, it will be very important that South Australian businesses and scientists are able to maximise their opportunities for the benefit of not only South Australians but mankind generally.

The need to look at this legislation and see what it is going to do is essential. The main thrust of this legislation is to recognise these early stage venture capital limited partnerships, thereby allowing businesses to take advantage of the commonwealth tax relief. In terms of the new corporate entities, the bill proposes to establish a new form of a corporate entity entitled 'incorporated limited partnership' and follows legislation that has been established in other states.

Partnerships created can apply for registration and be granted corporate status if they wish to do so. This business structure is preferred by international venture capital investors, particularly those for funds which come from the United States. In terms of its importance for the state, this legislation is extremely important to start-up enterprises—small and medium businesses—that need the finance to grow in the future.

It is extremely important for the state to have the right framework to encourage overseas investment and liquidity into local businesses and local industries. Without such legislation, South Australia will continue to fall behind other states of Australia. It is important that, in this volatile economic climate, small businesses are able to raise finance for projects and expansion, which will generate growth opportunities and jobs for the state. There is a need to encourage overseas international investment in this state, without which we could not grow.

In the bioinnovation sector, venture capital and private equity in South Australia have grown over the past few years. According to the 2005-06 Venture Capital Annual Report, the share of Australian professional private equity dollars invested was around $50 million in 2004-05. I understand that it has risen to about $90 million in the current year. The need for this legislation is vital for many industries in South Australia, but particularly for the bioinnovation industry.

With those few words, I will conclude my remarks, but I will make one comment. In the budget this year there was a $700,000 cut to Bio Innovation South Australia. That is the sort of thing that does not go down well with the opposition or with the science industry in South Australia. However, this is a good piece of legislation.

Mr VENNING (Schubert) (17:08): I believe that all members who stand in this house realise that they have to declare an interest in everything they do and vote on; I am doing just that. I have several partnerships, and members can read them if they wish; it is all listed. I have never used venture capital, but that does not mean I never will. I do not want to repeat all that has been said very capably by the shadow minister and, indeed, the members for Goyder and Morphett. If we do not pass a relevant amendment to the State Partnership Act, the small start-up enterprises in this state could be deprived of the possibility of attracting venture capital, which will be spent in other states with tax-exempt status.

A lot of work has been done on this issue. This country is devoid of many key industries. Over the years we have lost a lot of our industries, particularly in the agricultural sector. We now rely almost entirely on overseas product. So much is happening out there at the moment. We are living in huge times of great change. If we are able to attract business to Australia via venture capital, we should.

When a person agrees to put venture capital into an Australian business, that is money, but usually technology and ideas come with it. I think it is very timely to be discussing this tonight. We certainly need the cash resources but more important is the technology that comes with that—the commercial in-confidence technical information in so many technical processes, such as industry and technology, including industries such as solar optics, computer software, water processing plants, high-tech farming applications, precision planters and sprayers, oil and mineral exploration,

and the companies and the equipment they use, particularly with the geophysics that they have today.

All these are now overseas companies. I think you can burn up a few million dollars very quickly in industries like this and, if we can share it with a big multinational company via venture capital, I say that we go for it. We have to go out there and meet the market in everything we do, but we have not been doing that. We have to do things like this, and we probably should have done this some years ago. People are out there taking risks. I have always said that we should reward the risk taker, particularly in the current economic environment.

The Hon. M.J. Atkinson: Particularly in the betting ring.

Mr VENNING: Well, the Melbourne Cup is next Tuesday; is that what you are talking about?

The Hon. M.J. Atkinson: I am satirising your contribution.

Mr VENNING: Well, I am responding just as weakly to your interjection. I think it is very relevant to pass this legislation. I commend the shadow minister for the work she has done and for being to the point, and also other members for their contributions to the debate. I support the bill.

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

LONG SERVICE LEAVE (UNPAID LEAVE) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

WATER (COMMONWEALTH POWERS) 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 3, page 2, line 20 [clause 3(1), definition of critical human needs, (b)]—After 'national security costs' insert:

or cause permanent plantings that exist on the commencement of this act to be lost

No. 2 Clause 3, page 3, after line 3 [clause 3(1)]—Insert:

permanent plantings means any trees, bushes, vines or palms, maintained for the purpose of the production of food for human consumption, that yield more than one crop after planting if properly maintained;

Consideration in committee.

The Hon. K.A. MAYWALD: I move:

That the Legislative Council's amendments be disagreed to.

I rise to speak to the amendments as put forward by members in another place in relation to an amendment to the definition of 'critical human water needs' to include permanent plantings that exist as at the commencement of this act.

I am certain that the intentions of the honourable member in another place are honourable in that we all, in this place, wish to be able to protect the viability of viable farming enterprises in this state, particularly at a time when we are suffering from one of the most extreme droughts. There is absolutely no doubt that members of the government, members of the opposition and members in another place seek to ensure that we do the best we can to minimise the impact on our communities as a consequence of this drought.

However, the amendments proposed and supported by the other place have a range of unintended consequences, which I will explain. Basically, they seek to specifically prescribe permanent plantings as part of the critical human water needs definition and therefore accord them the highest priority use of water in the basin without any bounds of consideration of equity, viability or socio-economic impact. Any permanent plantings would then have to be provided with greater water, regardless.

My concern is that there are a number of enterprises throughout each of the industry sectors, some more viable than others; we also have a very vibrant dairy industry that is having significant difficulties as a consequence of the drought, as well as vegetable growers and the like. The provisions of these amendments could see us end up with a second class of irrigators who are afforded a lesser security of supply in critical drought times. Instead of taking this path, the South

Australian government has chosen to ensure that any improvements allocated to South Australia for consumptive purposes over and above our critical human needs are evenly distributed against all entitlement holders. So, all irrigators in South Australia, regardless of what they grow, get a fair share of the available resource.

However, from a state government perspective we have also recognised that there is significant investment in critical permanent plantings in the state to the value of about $1.5 billion. So this government has decided that, instead of taking water from one group and giving it to another to underpin that, it will guarantee those permanent plantings by saying to irrigators that they can have access to a critical water allocation that the government will guarantee. If there is a shortfall in the water made available to South Australia during the course of the water year to cover off on that critical allocation, then the South Australian government will back that up with water that it goes into the market and purchases from other users who have water on the market—in other words, from willing sellers. That is how we have determined to deal with the issue, and that is underpinning the security of supply.

One of the unintended consequences of the way in which these amendments have been drafted is that if another state such as Victoria were to follow suit it could have a significant impact on the water availability for all other users—in particular, South Australia. If South Australia proceeds with this amendment we can be sure that Victoria and other states would seek to replicate and extend the effect of this to apply to their significant permanent plantings, many of which would not necessarily be family farms.

There was an article in the *Weekly Times* this week in which Timbercorp was highlighted, allegedly with 120,000 megalitres of high security water for its permanent plantings. I am advised that permanent plantings in Victoria would very likely require, in survival or critical water allocation, about 600 to 700 gigalitres of water. Now, if we were to put that into the high security basket with critical human needs it reduces the amount of water available for all other needs—in particular, our dairy industry, vegetable growers and others.

Whilst the current definition of critical human needs does allow for permanent plantings to be considered on the basis of losses if there were a prohibitively high social, economic and national security cost, it does not necessarily say that they must be included. If we make it that they must be included South Australia, and the irrigators that the other house seeks support in this, would actually be worse off.

I would like to refer to another unintended consequence. We have received legal advice that a critical point is that altering the definition of critical human needs in the bill may give rise to an argument that South Australia is not a referring state for the purposes of the proposed section 18B of the commonwealth Water Act 2007. If this were so, the Water Act would not operate in South Australia in many important respects. The proposed amendments to the Water Act rely on the adoption of a uniform approach across the various basin states; deviation from the agreed uniform approach necessarily creates a level of legal uncertainty and risk. I have a copy of that advice, which I will table shortly.

The South Australian government will be opposing these amendments and will not be supporting the amendments to the legislation, given the significance of the unintended consequences, whilst recognising the merit in wanting to support communities, and particularly wanting to support communities in my electorate of Chaffey and the Riverland area. I believe that whilst the intention is good, the execution would cause all sorts of difficulties and actually result in those communities being undermined and less water being made available to South Australia.

Mr WILLIAMS: I made some comments about the process when this matter was previously before the house, and the process continues to be complicated. The opposition was approached in recent days with the prospect of an amendment being moved in the other place, and has spoken to Family First, who propose to move an amendment to change the definition of 'critical human needs'. I will come back to the exact definition presently.

Having discussed the proposed amendment with the mover in the other place, and having had a number of contacts from people in the communities along the river, the opposition has come to the conclusion that, unless we get significant satisfaction on a number of questions, we will support that amendment in the upper house.

I will not go through the whole gamut of the opposition's previous argument, but the opposition is very concerned about this measure and is very concerned that South Australia—as has been the case for over 100 years—has not done particularly well out of this deal. We believe

that Victoria, in particular, has done exceedingly well out of the deal. When the opportunity came along, via this amendment, to maybe do considerably better, we decided that we would support the amendment in the other place.

There are a number of issues here. We did, indeed, ask some questions in the other place, seeking clarification. The existing definition of 'critical human needs' is somewhat ambiguous, and I will read out the bit that I regard as ambiguous in a moment, but it is because of the way that 'critical human needs' is used in further clauses, or certainly in the tabled text, which tends to increase that confusion, and I will come to that and seek some clarification from the minister on a number of points.

It may be just as easy if I make all of the points now and the minister responds to them, and then we will see if we have to go further. I will start at the definition and address the amendment specifically. It defines 'critical human needs' as meaning:

> ...the needs for a minimum amount of water, that can only reasonably be provided from basin water resources, required to meet—
>
> (a) core human consumption requirements in urban and rural areas; and
>
> (b) those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs.

The amendment seeks to add to paragraph (b) the words:

> or cause permanent plantings that exist on the commencement of this act to be lost.

I can understand some of the reasons for paragraph (b) but I cannot understand all of them, and I do question why it is worded in the way that it is, particularly when, in answer to questions in the other place, the minister suggested that it was written broadly enough that it might, indeed, encompass permanent plantings. If that is the case, what is the problem with the amendment?

I understand that, in South Australia's case, something like 90 per cent of our population relies on River Murray water for their domestic uses, but a significant part of rural South Australia also relies on River Murray water for stock as well as domestic purposes. I assume that the wording of paragraph (b) deliberately includes the words 'those non-human consumption requirements', and so on, to encompass stock water.

I understand that SA Water, the distributor of water here in South Australia, also supplies a lot of other non-core human consumption requirements, mainly industrial use, and I assume that it encompasses that as well. Will the minister give us an assurance about the comments made in the other place by the minister with regard to permanent plantings and why adding those words would be a problem, and will she do that in the context of the tabled text? This is where the confusion really comes in.

I refer to three sections in the tabled text under schedule 1. Section 86B deals with the basin plan to provide for critical human water needs. My reading of that section is that it basically says that the basin plan must provide a statement of the critical human water requirements for each of the states. That must be set out in the basin plan upfront, so as we go into tier 2 and tier 3 circumstances that is the amount of water that it has been assessed is necessary for each of the states to provide for those critical human needs referred to in the definition about which I have already spoken.

It becomes more complicated because, as we go through the text, we get to section 86D, which refers to additional matters relating to tier 2 water sharing agreements, specifically subsection (3)(b), which states 'recognise that each of New South Wales, Victoria and South Australia is responsible for meeting the critical human water needs of that state and will decide how water from its share is used'. That says to me that, irrespective of the definition in subsection (3) to the referring amendment, it is still the individual jurisdiction that has to find from its allocation the amount of water that would be drawn out of the river for critical human needs.

If we turn to division 4, section 135, we are now talking about tier 3 circumstances and, again, we have a very similar set of subsections pointing out that critical human needs water is the highest priority water and also pointing out that each state-contracting government will be responsible for meeting that critical human needs water and each state will decide how water from its entitlement is used.

The dilemma and the complication is that we are defining 'critical human needs', and my reading of the tabled text is that the basin plan will, indeed, provide that water, which is essential as

conveyance water, which is used to keep the river operational and to keep the water quality at a standard suitable for critical human needs. That water is provided under the plan from the water available within the system, but the water that is drawn out of the river in each of the jurisdictions comes out of each individual jurisdiction's share. So, I fail to understand how this particular clause will have an unintended consequence, because my reading of it is that, if we put this in, this will apply only to South Australia and it will apply only to South Australia's share of the water, which has already been defined elsewhere within the tabled text. I would like the minister to clarify those points.

The Hon. K.A. MAYWALD: I thank the member for his questions. First, on the issue of the definition of critical human needs and the two tiers, A and B, the purpose is to make it broad enough in establishing the basin-wide plan that the science and work the authority is going to do will underpin what that means. At the moment, under the contingency planning each of the states has put forward an amount of water that it believes is the critical human needs component. In New South Wales it is 75 gigalitres, in Victoria it is 53 gigalitres, and in South Australia it is 201 gigalitres. We have based our South Australian critical urban needs on our stock and domestic requirements (restricted), SA Water household and industry water, but using efficiency plans to ensure that industry minimises the amount of water it uses. That is what the 201 gigalitres is for notionally now.

What we are endeavouring to do in this particular referral is provide an opportunity for the basin-wide plan to underpin the numbers, based on what we present but also on the work that the authority does, to ensure that those numbers reflect a fair distribution of the water in relation to the social and economic impacts of the water. In other words, the 201 gigalitres that we currently have is a figure that was developed through the Howard-Turnbull contingency planning process that was established. That was not a formalised process in relation to the Murray-Darling Basin Agreement, as such. It will now be a formalised process and there will be a determined amount for critical human needs in each of the states.

In the other house the minister referred to permanent plantings potentially being part of that critical water need. In all possibility, it could be, if it is determined by the basin-wide plan to be so. But, it would not be, as the amendment that the upper house has put forward, that every permanent planting would be of that nature. If we included all permanent plantings, which would potentially include permanent plantings for vineyards that do not have a market to sell their produce to, or 40 year old citrus trees that do not have a market to sell their juice to, it could mean that you would be providing water to non-viable enterprises and reducing the amount that could be available for very viable enterprises such as dairying, vegetable-growing and the like.

So, to have just a blanket arrangement whereby permanent plantings could have first dibs on the water without any requirements around that, you would have a very distorted share of the water across the needs of the basin. You would also have a situation where you would bring into play permanent plantings in Victoria and New South Wales and, as I said in my opening remarks on these amendments, in Victoria alone that could require between 600 and 700 gigalitres.

Whilst I appreciate that the mechanism of underpinning and supporting our critical plantings is of critical importance to this place, the nature of these amendments does not deliver what I think the honourable member was intending in the other place. Secondly, when we talk about critical human needs, section 86B of the referring bill provides:

> (1) The Basin Plan must:
>
> (a) include a statement of the amount of water required in each basin state that is a referring state (other than Queensland) to meet the critical human water needs of the communities in the state that are dependent on the waters of the River Murray system;

So, in other words, the plan is going to do the social and economic studies that will underpin what is declared as the critical human needs water. That is the idea of having it—so it can be encompassing and we are not limiting the scope by which the basin-wide plan can deal with issues such as permanent plantings.

Also, we are ensuring that the independent authority has a role in that and the parochialisms of the states do not prevail. If we are to prescribe it in the manner in which the other house has suggested, we would be embedding in that process the parochialisms that we are trying to get away from at the moment. Thirdly, section 86D refers to the tier 2 water sharing arrangements. Section 86D(3)(b) provides:

recognise that each of New South Wales, Victoria and South Wales is responsible for meeting the critical human needs of that state and will decide how water from its share is used.

The first part of that section identifies the process we are undertaking at present. What happened back in 2006-07 was that, as a consequence of the basin being managed on an ongoing basis and South Australia not having access to storage in the upper catchment, the water in those dams technically belonged to New South Wales and Victoria. While we were running down the dams to critically low levels, Victoria was able to keep its allocations to its irrigators at 95 per cent and we saw the dams drain. In November 2006 we met in Canberra with the then prime minister and all the water ministers and premiers and there was a significant issue we had to deal with in that it looked like we would not have enough water for critical human needs in the following year because we had drained the dams.

This provision enables each state to take ownership in order to ensure there is enough reserve and enough buffer within their own entitlement to water to ensure that does not happen, so South Australia in a normal year, when we normally get 1,850 gigalitres as a minimum plus any environmental flow of which we will be a beneficiary as a consequence of the new basin-wide plan, will be able to set aside water in Hume and Dartmouth dams that we do not bring down into South Australia as a reserve for future critical human needs and irrigation carryover. It means we can plan beyond a one-year time frame.

At present, under the Murray-Darling Basin Agreement, the dams fill up and the dams drain down and it could happen in a year and there is no thought beyond that year—and that is what has got us into this trouble. This is proposing that each state is responsible to ensure that at the beginning of the year we have enough in reserve in the dams and we have not drained it all so there is enough to supply at least our critical human needs. It also provides for irrigators to do the same in carrying over their water.

When it says that 'each state will decide how water from its share is used', it means that if in South Australia we have major downpours in the Mount Lofty Ranges and we have another source of water, other than the Murray-Darling Basin to supply Adelaide, we can choose to apply some of those critical human needs in another way; and it could be to the survival of permanent plantings or it could be to carry it over into the next year for the purpose of the next year's reserve for critical human needs in the upstream states. It gives us flexibility of operation that we have never had in relation to water.

It also means that South Australia can be responsible for the level of restrictions that we may apply in our state. In relation to the water that is allocated in bulk to South Australia, we can have much more flexibility in how we manage it and much more control over the security of supply of water for all purposes. Irrigators will be able to look at the opportunity of purchasing water when the price is low to carry over into the following year, along with water they may not have needed during the course of the year. It is a much better arrangement than we currently have. It enables us to plan and manage beyond a 12-month period. It enables us to have access to those dams and it enables us to have the flexibility to deal with the allocations within South Australia for the benefit of our communities, as we see fit.

Mr WILLIAMS: I want to confirm a point the minister has just made. At the end of this water year, if South Australia has put aside 201 gigalitres for critical human needs in Dartmouth or Hume dams (or wherever), assuming the bill is in place and we are under tier 2 water sharing arrangements, as we go into the next year, if the drought continues in the southern part of the basin and Victoria and New South Wales are still under severe stress, even for their critical human needs, and we get a very wet winter in Adelaide and the reservoirs fill, am I correct in saying that South Australia could then have that 201 gigalitres, or any part thereof, released from the storages into the system and we could allocate that water, even under tier 2 or tier 3, to irrigators for permanent plantings, notwithstanding the continuance of the severe situation in the upstream communities which rely on the river, say, Mildura for example?

The Hon. K.A. MAYWALD: The answer to that question is yes, and that is the advantage of this clause and the way in which we have negotiated it. We can actually be masters of the destiny of our own water which we are putting away in dams and which is quarantined for us. It is not water that be can resocialised under tier 2. The only time that there could be a change to that is if we move to tier 3 and there is not enough water to run the river, then a new process will come into play.

I have to make it quite clear that the changing of the definition will not only have the consequences of making less water available for South Australians, potentially because there will be very little water available beyond critical human needs, but also, if the definition is amended in the act, section 18B means that we put at risk being a referral state (as outlined previously) and the definition in the referral would stand. It is really important to understand that it is not just about the definition of 'critical human needs' but it also means that we might not be a referral state for those purposes under section 18B, if it is amended.

Mr WILLIAMS: I meant to raise this earlier, but one of the reasons that the opposition was encouraged to support the amendment in the other place was that we have growers of permanent plantings in South Australia with what we regard as high security water looking upstream at a large number of places, particularly in New South Wales, where those with high security water have a much higher allocation than they do. I think, at the moment, our growers are on 15 per cent; the southern Darling, I think, are on 100 per cent; 95 per cent in the Murrumbidgee; and part of the Murray Valley upstream—

Mr Pederick: At least 80 per cent in the Murray Valley.

Mr WILLIAMS: That is one of the things that I think it is very difficult for our growers to understand, particularly those with permanent plantings. I think that is what is driving the amendment and certainly the opposition's position on the amendment; that is, there seems to be an imbalance. Under the new regime with the basin plan, does the minister expect that scenario to continue or will it change?

The Hon. K.A. MAYWALD: Under the new regime, the Murray-Darling Authority will go basin by basin and set new caps on the extraction out of those valleys. There will be a new cap set for the Darling, the Barwon-Darling, the Border Rivers, the Lachlan River and the Murrumbidgee River. How it works at the moment is that the Murrumbidgee waters are not part of the shared resource. We do not have any access to the Murrumbidgee waters at all, except what flows out of the end that New South Wales has not been able to capture or use.

They have dams in New South Wales that belong to New South Wales. They are not dams that were built by South Australia. They are not dams that were built in partnership with South Australia or in partnership with Victoria. They belong to New South Wales. That is the water that those irrigators are allocated. They are not allocated water from the shared resource. The same with the Menindee Lakes. Currently, New South Wales dams the Menindee Lakes. The Murray-Darling partners actually invested in increasing the storage capacity in the Menindee Lakes, which meant that, at a certain level, the water them becomes a shared resource, but prior to its becoming a shared resource it is in New South Wales' hands.

That is why they get to allocate their water in their jurisdiction under the existing agreement. That is why there are the perceived imbalances that we see at the moment. It is due to the long-term dry that we have seen in the southern Murray-Darling Basin. It has not been an issue for us in the past because South Australia has been a beneficiary of the environmental flows out of the Darling, out of the Murrumbidgee, out of the Murray, out of the Ovens, out of the Kiewa, out of the Loddon and out of the Campaspe. As each of those states have increased their capacity to take out of those systems, there has been less left in the river, which has created more environmental stress for South Australia at the end of the system.

What the basin plan will do is return the balance in those valleys and improve the lot for the environment. If you improve the lot for the environment, you improve the amount of water in the river system and you improve how much flows into South Australia, and that underpins the security of supply to our irrigation communities here in South Australia.

It is regarded nationally that South Australia has been incredibly conservative in its approach to the allocation of water. We capped extractions out of the Murray between 1968 and 1969. The overallocation is deemed to be in New South Wales and Victoria and not in South Australia. We are very small extractors, comparatively speaking, from the Murray-Darling Basin system.

So, in the redistribution of water for consumptive purposes back to the environment, the large proportion of that will have to occur in New South Wales and Victoria to bring the system back into balance. If you bring the system back into balance, you underpin the sustainability of the working river so that those who remain in the system have a greater security of supply. You then offer them flexibility of supply by enabling them to manage their water across a number of years, rather than just one year at a time, and that is when the carryover water becomes crucially

important. They can become more masters of their own destiny in relation to their water supply. That is the underpinning of this new basin-wide plan that will benefit South Australia.

We will also see the icon sites, such as the Lower Lakes and Coorong, Chowilla and Channel, and the upstream icon sites, benefit from the Living Murray as a first step, but they will also benefit from water that will be allocated specifically to those projects. That is water that will have ownership in the environment, and that environment will benefit from it as well. Therefore, it will not be competing with water for irrigators, as it currently is. That is the underpinning of the benefits to South Australia out of this new plan.

We all want to see a better deal for the River Murray. I have consistently said that this new agreement—the referral of powers, the bringing back into balance of the amount of water that can be extracted from the system and the amount of water that is available to the environment—will underpin the security of supply to our irrigation communities in the future.

There has been commentary in another place that the purchase of water entitlements out of the system is buying fresh air and that there is very little or no water applied to a lot of those entitlements. That might be so right now but, in buying those entitlements out of the system now, what you are buying is the future use of that water, too. So, when it does rain, and when there is a water coming back into the system, it will not be captured at the same level it was before and extracted for purposes. Therefore, there will be more in the environment and the security of supply for our irrigation committees will be enhanced, our Lower Lakes will be better off and our riverine environment will be better off.

This is substantial legislation that needs to go forward in an unamended way to demonstrate that South Australia is serious about our referral of powers. We do not want to open the door for renegotiation. We do not want to open the door for Victoria to put in similar amendments that would further reduce South Australia's security of supply by the unintended consequences of this amendment and what it would mean across the board in the basin if other states were to adopt a similar approach.

This is a hard-fought and hard-won reform. It is the first time in 100 years that we have been able to achieve a referral to the commonwealth and a truly national approach to developing a new basin-wide plan to include caps on surface and groundwater for the first time. It is a substantial step in the right direction. Certainly, there would be members in this place—and I am probably one of them—who would say that, if we had had a blank sheet to start with, we would probably have done it differently. However, if we had had a blank sheet, I can assure you that we would not have had the problems we have with New South Wales and Victoria.

We did not have a blank sheet; it is as simple as that. We never have had a blank sheet in this argument, even at Federation. The issue of water held up Federation for 10 or more years. South Australia did not get a good deal then. We have been working on improving that ever since. Over the decades there has been improvement on a very slow basis, but this is a huge step forward at this point and we look forward to the development of the basin-wide plan over the next couple of years, which will see us much better prepared for the next dry spell or even an extreme drought event that we may incur.

Mr PEDERICK: There is a lot of talk in this and the other place about the basin plan, but there is still a major flaw, even with the formalising of the new agreement, if it all goes ahead between the states and commonwealth, and we are still not managing the basin as a whole. I fear as a South Australian that with drought, which we all recognise in the southern part of the Murray-Darling Basin, we are not getting our share of any water that falls in the north. The minister mentioned the Menindee Lakes. We are a long way off ever sharing that water unless we have massive floods, because the two lakes they are using at the moment have a maximum surcharge capacity of 615 gigalitres, so they will never get to the 640 gigalitres to share through the Murray-Darling Basin Commission involving the three states.

We already have far too much development—it is going on as we speak—in southern Queensland and northern New South Wales on the Warrego. With the Macquarie Marshes, we have had New South Wales rubber stamp illegal banks. I have mentioned in this place before that, as those who are at the bottom of the system, we used to get 20 per cent of our water from the Darling. We are certainly getting there as far as referring our powers to the commonwealth, but we have a long way to go before we can say that this is anywhere like a whole-of-basin plan and managing those northern waters. I am interested in the minister's comments on that.

The Hon. K.A. MAYWALD: I refer the honourable member to the tabled text, which refers to what the basin plan will cover. It covers all the water in the basin and all the groundwater in the basin.

Mr WILLIAMS: I thank the minister for her response to our questions, and that is the end of our questions.

The Hon. K.A. MAYWALD: I thank members opposite for their cooperation in this matter and look forward to this legislation being implemented.

Motion carried.

MURRAY-DARLING BASIN BILL

Returned from the Legislative Council without any amendment.

[Sitting extended beyond 18:00 on motion of Hon. K.A. Maywald]

WATER (COMMONWEALTH POWERS) BILL

The Legislative Council agreed not to insist on its amendments to which the House of Assembly had disagreed.

At 18:22 the house adjourned until Tuesday 11 November at 14:00.