HOUSE OF ASSEMBLY

Wednesday 2 December 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

SOCIAL DEVELOPMENT COMMITTEE: BOGUS, UNREGISTERED AND DEREGISTERED HEALTH PRACTITIONERS

The Hon. P.L. WHITE (Taylor) (11:03): I move:

That the final report of the committee's inquiry entitled Bogus, Unregistered and Deregistered Health Practitioners, be noted.

In June 2007, the Social Development Committee was charged with examining bogus, unregistered and deregistered health practitioners. In South Australia, as in other Australian jurisdictions, health care services are provided by a range of both registered and unregistered health practitioners. The term 'registered health practitioner' refers to someone registered under one of South Australia's 10 health registration acts. Examples include doctors, nurses and dentists. In contrast, the term 'unregistered health practitioner' refers to a health practitioner who is not registered under one of those acts. This includes, among others, naturopaths, massage therapists, psychotherapists, counsellors, speech pathologists and a range of other complementary and allied health practitioners.

The inquiry also examined the conduct of deregistered health practitioners. For the purposes of this inquiry, the term 'deregistered health practitioner' refers to a practitioner whose registration under a South Australian health registration act has been cancelled or suspended as a result of disciplinary proceedings.

The committee commenced hearing public evidence on 17 March 2008 and completed its hearings on 16 February 2009. In total, 90 submissions were received, consisting of 73 written submissions and 17 oral presentations.

Before going any further, I would like to take this opportunity to thank the other members of the committee for their contribution to this inquiry: first, from the other place, the Hons Ian Hunter, Dennis Hood and Stephen Wade, and, from this chamber, Mr Adrian Pederick and Ms Lindsay Simmons. I also want to thank the staff of the Social Development Committee for their contribution. Our staff provide a very high quality of service in terms of the work necessary for our committee to prepare the reports that it does.

Most of all, and most importantly, I extend my appreciation to those individuals who either wrote to us or appeared before the committee and shared their intensely personal stories. A number of the witnesses had lost the person about whom they came to speak through death or had endured the experience themselves. They were very personal stories and some of them were horrific. I thank those people for their courage and their determination to make sure that wrongs were righted. Over recent years there has been a significant increase in the popularity of many unregulated therapies and treatments. Evidence shows that more health consumers are consulting unregistered health practitioners.

From the outset of this inquiry the committee agreed and acknowledged that many unregistered health practitioners perform an important and legitimate health service to consumers. Indeed, most unregistered health practitioners are reputable. However, some evidence presented to the inquiry suggests that some unregistered health practitioners are not of such good reputation.

The inquiry primarily concentrated on those unregistered practitioners who make extravagant claims that they cannot substantiate and who encourage unsuspecting consumers to spend significant amounts of money on so-called therapies which are, at best, ineffective and, at worst, dangerous. Some practitioners are often skilled at exploiting people's fears, while some practitioners may be delusional, convinced that they are able to cure serious medical conditions. The evidence presented to the committee suggested that others are driven by greed and, in some cases, sexual gratification.

Although the committee received evidence of a number of instances of alleged misconduct, it is difficult to know the extent to which bogus, unregistered health practitioners peddle their wares in South Australia. Overall the number of reported cases is low. However, the inquiry heard that shame and embarrassment often prevented individuals from coming forward. Moreover, in cases

where an individual has died, it can be difficult for a surviving partner or family member to pursue a complaint.

Notwithstanding those factors, the inquiry did receive evidence on a number of specific allegations of serious misconduct. These included:

- An allegation that Mr Lubomir Batelka, an unregistered practitioner, had claimed that his ozone therapy could provide a 50 per cent cure for cancer and that he had insisted the patient sign a confidentiality form. Mr Batelka appeared before our committee. When listening to his evidence and looking at the gruesome and galling photos he produced of his patients, it made me sick.
- An allegation that another unregistered practitioner, Ms Elizabeth Goldway, had promised to cure a woman of her breast cancer, dissuaded the same woman from continuing with conventional medical treatment and required in excess of $5,000 in cash payments. The inquiry heard that Ms Goldway had also displayed a prominent sign outside her premises that read, 'You don't have to die from cancer or any other sickness'.
- An allegation that an unregistered massage therapist Ms Elvira Brunt had claimed, while purporting to treat a man dying from bowel and liver cancer, that she could feel his tumours shrinking. How ridiculous, how shonky! Members might know that is the same Elvira Brunt on whose premises a tragedy occurred some months ago when a young child was killed.

The inquiry was also told of an unregistered practitioner Ms Monica Milka whose treatments, consisting of injecting small quantities of various substances and saline under the skin, resulted in at least six people suffering from skin abscesses and one person developing a mycobacterial infection—a condition which is difficult to treat.

All members of the committee were dismayed and disturbed by some of the evidence presented to it. This evidence raised serious concerns about some unregistered practitioners whose training and qualifications, if any, are highly questionable and who make unsubstantiated claims about cures for cancer or employ techniques and procedures that are unsupported by any credible evidence.

While most of the submissions received by the committee accepted the need for some type of regulatory reform, how this should be pursued was a point of considerable difference. The committee grappled long and hard with the difficult question of whether tighter regulatory measures should be established to deal with unregistered health practitioners and, if so, what type of regulation would be most appropriate.

The committee considered a number of regulatory models, ranging from self-regulation at one end of the continuum to reservation of title and hold of practice at the other. The committee has recognised that each regulatory model has its strength and weaknesses. After assessing the pros and cons of a broad range of regulatory options, the committee decided as the inquiry's main recommendation to call upon the state government to introduce new legislation to better regulate the broad range of unregistered health practitioners providing services in this state; and subsequent to the tabling of this report, our health minister (Hon. John Hill) has responded to that.

In so doing, the committee has asked the government to closely examine other regulatory models introduced in interstate jurisdictions. In particular, the committee considered there is merit in the implementation of a code of conduct similar to that which exists in New South Wales.

The committee also considers there is merit in establishing a statutory registration scheme for Chinese medicine practitioners, acupuncturists and Chinese herbal dispensers, similar to that which has been introduced in Victoria. It is recommended that the government look closely at these models to determine their suitability for this state.

Equally important, the committee is calling on South Australia's Health and Community Services Complaints Commissioner to take a much tougher approach in publicly naming bogus, unregistered health practitioners. There are powers under our existing laws, and the committee was of the view that the commissioner should be more proactive in using them.

The committee thought long and hard about the issue of public naming and shaming. It does understand that the decision to issue a public health warning in relation to an individual practitioner should not be made lightly, nor should it occur without procedural fairness being afforded to the individual concerned, and I point to the experience of our former auditor-general, Mr Ken MacPherson. He had a very good approach, whereby he would write to an individual

saying, 'This is the report I am going to make. What do you think about it,' and he would incorporate any feedback in his report, but it would not stop him from acting and reporting. I think that is a good approach.

To that end the committee resolved to call on the Health and Community Services Complaints Commissioner to report back to our committee on the progress made in dealing with complaints about unregistered practitioners. Indeed, the commissioner will be appearing before our committee next Tuesday to do just that. In addition, the committee has recommended that the commissioner's legislative powers be expanded to allow her to make prohibition orders against those practitioners who pose a substantial risk to public health.

In total, the committee's report contains 21 recommendations. This includes recommendations calling on the state government to educate health consumers better so that they are able to differentiate between credible health claims and those that are exaggerated and recommendations urging the commonwealth government to strengthen the capacity of the Australian Taxation Office to clamp down on potential tax evasion by dubious health practitioners. It was a common theme that so many of these practitioners are 'cash only' and rarely do you see a receipt.

As I mentioned earlier, the committee was also required to examine the practices of deregistered health practitioners, that is, those practitioners whose registration under a South Australian health registration act has been cancelled or suspended as a result of disciplinary proceedings. The committee notes that health practitioners who have been deregistered are not necessarily bogus and in and of themselves do not necessarily pose problems to helping consumers. However, the committee heard evidence of instances in which health practitioners had been deregistered for unethical or unprofessional conduct but who had subsequently rebadged themselves so as to be able to practise in an unregulated area of health care.

For example, the committee heard of a case involving a psychiatrist who, after being deregistered, had established a practice as a counsellor. The committee is of the strong view that any registered health practitioner who has been deregistered on disciplinary grounds should not be able to set up practice in another area of health care without review. To this end, the committee has recommended that the government consider legislative amendments to all relevant health legislation to ensure that, in such instances, deregistered health practitioners are unable to set themselves up under a different title in an unregulated area of health care.

In summing up the work of the committee and our findings, it is true to say that the provision of health care services is a most serious issue to the public of South Australia. Those who choose to work in health care must be sufficiently skilled and must meet appropriate standards of quality and safety. For too long we have had people perhaps passing through the cracks and able to practise in unregulated areas of health care without enough real safeguards. Bogus practitioners who make claims of curing cancer or other terminal illnesses are particularly insidious. The committee spent a considerable amount of time investigating this issue and, in doing so, it heard some shocking stories.

In considering all the evidence, the committee has put forward recommendations that it feels will better protect the public and strengthen community confidence in our health care system. I urge members to support these recommendations.

Mr PEDERICK (Hammond) (11:19): I congratulate the member for Taylor on her excellent summing up of this inquiry into bogus, unregistered and deregistered health practitioners. Some very torrid tales of people's grief were presented to the committee by people not just locally but from interstate as well. It is interesting to note some people's differing views on what they look at as bogus or unregistered professionals (or people who claim to be professionals) and some people who have a bit of a problem with chiropractors.

I have been a client of chiropractors for many years and, with my shearing and farming experience, I would not have been able to keep going without them. However, it is one field where you can get people who are not very competent at their work but you can also get others who are, and it is up to individuals to ascertain whether they want to ascribe to that kind of treatment. I must say that, as an individual, it certainly has been very beneficial to me. In fact, I woke up one morning and my whole back had seized up and I could barely get out of bed. I made an emergency appointment with an excellent chiropractor, Ms Trethewey. She is operating on Kangaroo Island at the moment. She is an excellent chiropractor and she managed to fix my problem later that day.

However, regarding some of the other issues that were presented to the committee, it was so saddening to see the people who had lost their loved ones to practices that are totally unproven. People are making claims that they can cure cancer, including bowel cancer; people are making claims that they can feel tumours subsiding—absolute codswallop! You could see that the surviving partner—obviously, their partner had died—was very traumatised by what had gone on. I concur with the member for Taylor's comments about many of these practitioners asking people to put down a cash payment—many times, in advance. I acknowledge that these practitioners need investigating, not just for how they operate but as far as taxation purposes are concerned at the federal level.

Some of the presentations made to us by some of these practitioners were quite disturbing in the way that they indicated that they could heal people. One practitioner had some quite graphic photos—and I think everyone on the committee was shocked at how he purported to help people out by looking at samples of faecal stools. Some very graphic and disgusting photos were viewed by the committee.

I can understand, to some degree, people who are on their last legs, who have been told, perhaps, in the normal medical fraternity that there is no chance, go out with a glimmer of hope to these unregistered operators and think they can be cured. However, time and again we heard sad stories where, perhaps, if they had kept up medical treatment they may have at least had a better time towards the end of their life than what they had, because some of these people forwent all reasonable medical treatment and used the treatments of these bogus practitioners.

I have lost a couple of friends to cancer this year. It is fair warning to people that they need to get not only a second opinion from medical practitioners, such as doctors and properly registered professionals, but if they do think that they need to use an unregistered practitioner they need to get second, third and fourth hand advice on whether or not to use that practitioner.

Certainly, from everything that I saw in the committee, I would recommend that never should they walk away from proper medical treatment from registered doctors. As I said, we did hear some sad tales of people who had given up on the normal medical route and believed the codswallop that they were told, that they would be cured or that there was a 50 per cent chance that they would be cured, and it just was not going to happen.

I concur with the committee's recommendations that legislation should be changed so that some form of registration can come in. Certainly, a lot of these unregistered practitioners do have a role, but certainly the ones who are just peddling gimmicks and false truths should not be operating. In fact, if possible, under legislation, whether it be now or in the future, they should be prosecuted for peddling false hope.

As I said, it was quite an interesting reference that we ran through the Social Development Committee. We heard some very sad tales. My hat comes off to the people who came in, many speaking on behalf of loved ones whom they had lost. I recommend the report to the parliament.

Ms SIMMONS (Morialta) (11:25): I just want to add my support to the report. The members for Taylor and Hammond have spoken well on this subject. It was, for all of us, I think, a very disturbing inquiry. The fact that there are people out there preying on our most vulnerable members of the community when they are at a desperate state in their lives was truly shocking.

However, I do believe that there is a model in place which should help us to make sure that this does not happen. I believe, as the member for Taylor said, that the health complaints commissioner must use the full scope of her capacity to name and shame people who are referred to her to ensure that members of the community are not taken in by the hoax practitioners who are out there.

What was particularly disturbing was the encouragement by some of these unregistered practitioners for people, particularly with cancer, but with other stomach and bowel complaints as well, to cease taking traditional medicine in order to get the full benefit of the treatment that they were prescribing. It meant that some people really did not have the pain free death that they probably could have had had they maintained having the treatment from their doctors.

This sort of practice has gone on for many years, hundreds of years. There have always been shonky doctors around, but in this day and age we should really be able to do something far more to control these practices. Part of the reason for the previous minister for health, the Hon. Lea Stevens, putting in place the health commissioner was so that we actually had controls over these practitioners. I commend her for the principle of doing this.

However, we do need to make sure that every aspect of the commissioner's act is followed, and we do need to name people who we know are not practising as they should be and who are not registered, whatever the certificate on their wall may say. It is often a certificate that has been self generated or has come off the computer in some way and it is misleading to those people who go into their offices. I think it is really important that those people are named, they are shamed, and that it is publicised that their practices are not appropriate. I very much support this report and hope that the chamber will too.

The Hon. L. STEVENS (Little Para) (11:29): I would like to thank the members of the Social Development Committee for the work that they did on this particular matter and for the resulting highlighting of a range of issues that need to be attended to in making sure that we can strengthen the reliability and confidence that the public can have in health practitioners. In fact, the level of confidence that the public has in its health practitioners, the confidence that they will adhere to the highest standards of quality and public safety, is of supreme importance in ensuring that we have a health system that we can rely on. In fact, public safety and quality service provisions are now pre-eminent parts of today's registration provisions in all of the current acts right around this country and, of course, in other countries too.

It is important in communities such as ours that we have structures in place to ensure that, and that is why we have strong regulation legislation generally and other systems, such as the Health and Community Services Complaints Commissioner, that monitor these matters from the point of view of the consumer. You need to have both systems working together to ensure that these things are in place.

The committee highlighted some issues and made recommendations in terms of increased provisions in relation to registration of previously unregistered health practitioners and it also made a recommendation about new registration of Chinese medicine and therapists. The committee also rightly pointed out that most practitioners are doing the right thing but, of course, we have to be very careful to ensure that all practitioners—every one—are doing the right and proper thing because this is when people are at their most vulnerable. The report outlines some shocking cases of very vulnerable people being used by charlatans in the most reprehensible way, so I am really pleased to see those issues being highlighted.

I must say that I have to pick up the member for Hammond. I am not sure whether he meant to put chiropractors in the same basket or even suggest that they are in the same basket.

Mr Pederick: No, no; not at all.

The Hon. L. STEVENS: He is saying that he did not and I am pleased to hear that, because I am sure that people do know that chiropractors are registered in this state and all other states of our country and other developed countries. Of course, there are often professional boundaries between health practitioners about who does things best but, in fact, chiropractors are registered and have strong legislation in this state. Their legislation is in line with the model legislation that we have for all our health practitioners. Certainly, I have a very competent chiropractor—my whole family does—and I know that they come under the umbrella of registered health practitioners in this country.

In relation to the Health and Community Services Complaints Commissioner, I am pleased to hear the comments of all members of the committee and I have read the report. That piece of legislation has huge powers for the commissioner. She virtually has the powers of a royal commission in terms of what she can do in following any complaints that come to her attention—and the complaints are very wide. This was deliberately done, understanding that many people are in a very vulnerable position and are powerless when they come up against a health system or health professionals. That legislation has been structured around those very things.

I was concerned to read that there was no naming of these particular bogus practitioners who were mentioned and were investigated by the committee. Those powers are in the current act and, in fact, the health commissioner is protected from any action that she may take in the public interest as a result of complaints that she deals with. So, the powers are there. Natural justice is important, but public safety is more important.

I am really pleased that the Social Development Committee is going to follow up on this, and I congratulate it for doing so and not just leaving it as a report that it has presented to the parliament—end of story. I am really pleased that it is going to follow this through. Everybody needs to be kept up to the standard and I am pleased that the committee is going to do this with the Health and Community Services Complaints Commissioner. I am sure that she will want to

respond in a most positive way to any feedback and suggestions that the parliamentary committee might make.

Finally, I would like to make a comment about one of the recommendations, which the Minister for Health has not accepted. This was a recommendation about the arrangements that had been put in place in the Health and Community Services Complaints Act about protocols between registration boards and the commissioner. I think, from memory, the committee found them confusing and asked the minister to look at them again.

I would just like to say that these new arrangements have been accepted well by all the registration boards; in fact, the Medical Board, in at least one or, I think, two of its annual reports, has spoken positively about that system and how the board is working very well with the complaints commissioner to enable it to quickly deal with the ownership of complaints (or parts of complaints) so that the business can proceed smoothly and people can get resolution as quickly as possible. With those words, congratulations again to the committee. In my retirement, I look forward to keeping an eye on what happens in the future in relation to these matters.

Dr McFETRIDGE (Morphett) (11:37): I congratulate the Social Development Committee on this report. I have not read it in detail, but certainly the recommendations are such that I will be taking them into serious consideration in forming policy framework for the Liberal Party. I also congratulate the member for Little Para (Hon. Lea Stevens) for what she has done in this place when she was the minister for health and for the way in which she has diligently contributed by using all her effort and intellect to improving the lives not only of her constituents but also the people of South Australia. She will be sadly missed by me. I do not consider many people in this place as friends, but I consider the member for Little Para to be a friend, having been on the Aboriginal Lands Parliamentary Standing Committee for a number of years now, and, Lea, I will miss you.

This report is very important. It highlights the extreme dangers to which some people unwittingly put themselves, with all the best intentions. What happens in most of these cases is that you have people peddling false hope and outcomes which are completely unrealistic or depend upon some psychosomatic effect and their need to control people. They take advantage of people suffering from ill health, families in distress, or individuals in distress. We need to regulate these people. We need to ensure that, if these people are caught acting in an inappropriate way, they need to be punished, and certainly naming and shaming is something I would be prepared to look at in relation to people who are using the vulnerability of others for their own benefit.

Certainly in veterinary medicine—and as many people would know, I had a veterinary practice for many years—we used to see them all the time, particularly in racehorse work you would see the witchdoctors, as we used to call them. They would come in, these tiny little guys, some of them ex-jockeys, and they would try to manipulate horses' legs, backs and necks. It was really a joke that people were paying money for someone to come along with an old billiard ball on the end of a stick and rub it over their horse's back and pretend that they could make this horse better. It was a shame.

There are some alternative therapies such as acupuncture. I have used a lot of acupuncture on horses, cattle and dogs. Certainly, acupuncture is one of those areas where there are many non-believers, but I am certainly one of those people who believes in the power of acupuncture. Magnetic pulse therapy, magnetic therapy is another area which I have used, and I certainly do believe there are justifiable physiological and biochemical bases on which to look at the effects of those particular areas of medicine, both veterinary and human medicine.

The super clinics which we are getting—they call them 'poly clinics' in England—will have a lot of allied health professionals who should never be confused with a lot of these quacks, soothsayers and witchdoctors who are out there. The allied health professionals will be the chiropractors, podiatrists, physios, nutritionists—and the range goes on. They are highly qualified and well trained people and should never be confused with people such as the fellow you see on the advert for a private health fund slapping two fish together over someone's back, and you think what sort of outcomes will there be. Unfortunately, there are people who believe that there are people who can wave their hands over them or somehow remove foreign bodies or tumours just through some mystical intervention, and so we do need to ensure that these people are controlled, particularly when they are charging large sums of money.

A friend of mine was dying of lung cancer. He underwent all the traditional therapies here. He was doing a fair bit of trade in China. He went to China and came back with this herbal solution.

He called it his 'Chinese mud'. He would mix the potion up and drink it, but, unfortunately, as I think we all expected, it did not do him any good. That is not to say that there are not potions and lotions out there, or bush medicines as our Aboriginal friends tell us, that do work, because many of our medicines have been derived from natural herbal remedies which have been discovered and used over many years.

The fact is that people are vulnerable and people will take advantage of them. For instance, the drowning man clutching at a straw syndrome will take advantage of any opportunity to get some extra time to recover or to perhaps eliminate the disease or the cancer. However, in most cases, it does not happen. We do need to control people who are offering false hope. This report outlines a number of things that are involved in doing that and certainly the legislation is one which I have said I will look at. Should we be elected in March next year—possibly April next year if there is a double dissolution—we will be looking at that, as well as ensuring that the other recommendations of the committee are considered.

Reports such as these do not sit on the shelf. Many people think that committees do this work, listen to people, and then the report gets put on the shelf. This does not happen. It has not happened with any of the committees that I have been involved with, and I would expect that all the committees of parliament do work very hard. If you read the paper at the moment it says that we are not sitting until March next year and we are all going on holidays, you would think that is the case, but I know that each and every person in this place does work very hard, not just in this chamber but, more importantly, out with their constituents and out in their electorates. Having been here nearly eight years, I can vouch that every member in this place works very hard and serves their electorate to the best of their ability.

Can I say that I think the Labor Party is misinformed; it needs to change some of its ways, but that is life. We will find out in March whether the people of South Australia think that. The opportunities are there for us to improve the quality of this state, and the committee work is part of that. I congratulate the committee members on their hard work and the result in terms of this report.

The Hon. R.B. SUCH (Fisher) (11:45): I welcome this report. I congratulate the member for Taylor for being one of the principal people involved in bringing about the inquiry by the Social Development Committee. She knows that I have had an interest in this matter, because we know of one character around Adelaide, Warwick Raymont, who calls himself Dr Raymont. He was described in court as a 'fantasist', which I think is a lovely term. He has engaged in various practices, including counselling, and he has claimed to have discovered, I think, global warming, pesticides in milk and all sorts of things.

The important thing is that—and this is where change is required—Australians are very gullible when it comes to people presenting themselves as having particular qualifications. There is nothing to stop you calling yourself 'Dr' in this society. In fact, a lot of people use the courtesy title of 'Dr'—vets and chiropractors. Very few of them have a doctorate, a PhD, or an equivalent in science or medicine. Even our friendly GPs are not doctors in the true sense; they are medicos with two bachelor degrees, which is like saying that you have been twice to year 12. However, that is not the same as having gone on to complete, say, an honours degree, or something like that.

We grossly abuse the courtesy title 'honorary PhD'. I saw a publication recently commemorating women who had achieved in South Australia; and that booklet, put out by the state government, continues the fallacy and misrepresentation where that title is assigned to someone. It is used—or should be used—only in and around the campus. It is a university courtesy title, really, which acknowledges that someone has made a contribution to the university or the community. It is not a substantive degree. It has no substance to it other than the fact that it is recognition of someone having contributed to the university or to society at large. People in our society, even in the media, are largely ignorant of some of these things.

The number of medical practitioners who have a genuine doctorate in medicine in South Australia is probably fewer than 20. I am only guessing, but it would be very few. I imagine that people, such as engineers, get a little annoyed because, generally speaking, they are the smartest people at university if you go strictly on IQ.

Members interjecting:

The Hon. R.B. SUCH: Engineers are generally the smartest people at university, if you go on straight IQ. In South Australia we have more than 6,000 engineers but they do not get any title. They do not get any recognition much at all, yet every aspect of our life depends on what they contribute. You do not find engineers going around calling themselves 'Dr Blogs' or whoever.

Likewise, pharmacists is another professional group that is overlooked in our community. They have a lot more expertise in drugs, and so on, than the average GP. That is not putting the GP down, but if you have spent five years in training as a pharmacist on medicines and pharmaceuticals you will know a lot more than someone who has done a short course as part of their training to be a medico.

As well as professional people who give themselves a title, we have all these other people. I mentioned the fantasist before, but we have other people in the community who are literally preying on those who are sick. There have been some disgraceful cases where some of them have also used their treatment as an excuse for sexually taking advantage of people who are desperate and dying, and that, to my mind, is about the lowest sort of behaviour you can possibly get.

What we need, I think, is to toughen up in terms of how people use titles and how they describe themselves. I think that the people who do not do the right thing and who try to present themselves as having qualifications that they do not have should be dealt with severely. There is a classic case at the moment. The billboards that used to advertise 'longer lasting sex' have now been converted and advertise 'longer lasting love'. That program is an absolute scam. The person who is running it is a medico, but he is making millions of dollars by giving people—men, in particular—false hope that, with a nasal spray, they can cure their sexual problem, which is usually erectile dysfunction. The danger is that people may think that, by following that quackery, it might help them or save them when they should be going to a properly qualified medical specialist (in that case a urologist), not to some quack where they are charged a fortune for something that is of no benefit to them.

I commend this report; and, again, I acknowledge the role of the member for Taylor in helping to bring it about. I would like to see the government really tighten up on the way in which people misuse and abuse titles in our society in order to fool people, particularly in the medical field.

Mr PENGILLY (Finniss) (11:51): My contribution will not be a long one. However, I have noted the comments made this morning, particularly by the member for Taylor. I thought that she articulated the comments extremely well and in a very relevant manner. I have also picked up on what others have had to say in this place. I would particularly like to pick up on what the member for Morphett had to say about the Hon. Lea Stevens who will depart this place tomorrow afternoon.

I had a lot to do with the Hon. Lea Stevens when she was minister for health. When she became minister, she met with the chairs of the regional boards from across South Australia, and the first time I think she felt a degree of trepidation because I think she believed that we were a mob of Liberal stooges (which we probably were), but there was one exception.

The Hon. Lea Stevens put a huge effort into building a relationship with us. We gave her our trust, and she delivered that trust back to us. She talked with us in an atmosphere in which she knew that we would not go out and use it politically against her, and we did not. She had the confidence to raise issues with us that were beneficial to her both in her role as minister and in her dealings with a number of bureaucrats in the department of health and human services, as it was then, who were giving her advice that we thought was nonsense and not in the best interests of regional South Australians. We could talk to Lea Stevens about that, and we developed a great working relationship.

In addition, she rejected much of the Menadue report. She would not adopt it because she did not believe that it was in the best interests of rural and metropolitan South Australia, and I commend her for that. However, I find it most unfortunate that her successors have adopted much of the Menadue report, which was a lot of nonsense, and put in place supposed outcomes for the people of South Australia that I think are disastrous, and I am referring to the removal of the local health boards, the regional boards and so on and the putting in place of these health advisory councils which, despite the best intention of some of their members, are totally useless.

I wish the Hon. Lea Stevens all the best for her retirement, and I hope that she and Michael have a great time. Her contribution to the report we are discussing today would have been made in the best interests of everybody, as Lea did. I will miss her being in this place and, if her successor is anywhere near half as good as Lea, they may be of some use, but she was dudded and shafted by the Rann government. I hope that in her retirement Lea enjoys herself.

The Hon. P.L. WHITE (Taylor) (11:54): I thank all members—members of the committee and other members—who spoke on this motion. It is pleasing to hear that they agree with the recommendations of the report and are keen to see them enacted. I thank the member for Fisher

for a couple of things but particularly for reminding me (because I neglected to mention it in my contribution) about the work we did around the title of 'Dr'.

The importance of what people in this field call themselves relates to the way in which consumers interpret the title 'Dr'. In fact, there is an assumption by them that, if the title 'Dr' is before someone's name, there is a qualification and that that person is answerable to some accreditation process and some body.

As we found during the inquiry, many of these types of people who portray themselves as possessing the title 'Dr' have no such legitimate qualification. As the member for Morialta stated, you can very easily get a piece of paper via the internet to portray yourself as having some accreditation that you actually do not.

I thank the member for Morphett for pointing out that, even though parliament will have risen, our committee will still be working on this reference, in the sense that we will be following up on action taken by the Health and Community Services Complaints Commissioner next Tuesday, when we call her before our committee to explain her follow-up on the cases that were identified in our report. Some subsequent action has been signalled by the health minister (Hon. John Hill), and some action—for example, on the title of 'Dr'—is being taken up at a national ministerial level.

I thank members for their contribution, and I believe that, should the recommendations put forward in this committee's report be implemented, we will have all done a bit more to ensure that people can have faith that these sorts of charlatans of whom we spoke are eradicated.

Motion carried.

STATUTES AMENDMENT (COUNCIL ALLOWANCES) BILL

Adjourned debate on second reading.

(Continued from 24 September 2009. Page 4140.)

Mr GOLDSWORTHY (Kavel) (11:59): I indicate that I am the lead speaker on behalf of the state opposition in relation to this legislation, and I do not intend unnecessarily to hold the house today. The bill is relatively straightforward in its intent, and it concerns transferring the responsibility for setting the allowances paid to mayors and councillors, as the responsibility of those office-holders, onto the Remuneration Tribunal.

This issue has been a matter of concern for a number of years. I had dealt with it previously when I had the responsibility for local government relations. After the last election this issue was being debated and canvassed, and proposals had been put forward by the Local Government Association in relation to it, but the minister at the time, for whatever reason (which is best known to that person), did not deal with it several years ago. However, the current Minister for State/Local Government Relations has made the decision to have it dealt with, and we on this side of the house are certainly supportive of the intent of the legislation, although we will move an amendment during the committee stage with respect to the process in relation to the review of the allowances.

As I stated, the allowances currently paid to mayors and councillors are set by those officeholders; those elected representatives. Those people have been quite uncomfortable (I do not think that is indicating an incorrect view of the situation) for quite an extensive period about being responsible for setting their own allowances. This proposal within the bill obviously takes that responsibility away from them and passes it to an independent body, the Remuneration Tribunal. It is very similar to what occurs with state members of parliament: the Remuneration Tribunal reviews and sets some specific allowances of which we are able to avail ourselves. I think it is certainly a step in the right direction.

As I indicated, we will be moving an amendment. The bill states that the allowances are to be reviewed once every four years, with an annual CPI increase for the other three years. We have some issues in relation to that. We do not believe that the allowance should be reviewed automatically every four years. I do not think that the allowances of state MPs are reviewed every four years: I believe the way it works is that, when an application is made to the Remuneration Tribunal on behalf of MPs, our allowances are reviewed. We are looking to move an amendment to mirror that operation (if I can describe it in that way). Council allowances are obviously set by the Remuneration Tribunal, but our amendment will be that the reviews occur at a time when each individual council within the total of 69 councils (because the City of Adelaide is included in this bill)

makes an application for a review, and that it does not automatically occur every four years. So, the council has to make an application to the Remuneration Tribunal for a review.

That is fairly straightforward proposal, I think, and when we reach the committee stage we will look to address that issue. I understand that the bill has been amended: the Hon. David Winderlich moved an amendment, which was relatively uncontroversial, and I do not think the government would have too much of an issue in supporting that amendment.

As I said, this issue goes back many years and has been an area of concern within the sphere of local government, and we on this side of the house are happy to support the legislation with the amendment that I have flagged. I am waiting for the amendment to be tabled in the house.

The Hon. J.M. Rankine interjecting:

Mr GOLDSWORTHY: We have got it. Good. It should be out here at the front, should it not?

The Hon. J.M. Rankine interjecting:

Mr GOLDSWORTHY: All right.

The Hon. J.M. Rankine: He's cranky this morning.

Mr GOLDSWORTHY: I am not cranky. As I indicated only five minutes ago, I am not prepared to hold the house unnecessarily. We have other important business to deal with that is as important as this legislation. Her Majesty's Opposition is pleased to support the bill.

The Hon. R.B. SUCH (Fisher) (12:06): I welcome this bill. In fact, I have a bill, as far as I know, that is still before the parliament—it has been here so long that one loses track, due to Alzheimer's and a few other factors. I have been advocating this for a long time, and it was and should still be in the bill that is before the parliament in relation to allowances for council members and also state MPs. It is happening. It should have happened earlier but at least the government is moving on this matter now. The independent tribunal is the appropriate body to decide council allowances. It takes away any suggestion of self-interest and feather bedding, all those sorts of things.

I must say that allowances paid to local government members are very small in comparison to the time and effort they all put in. I have said before, and I will say it again: I am impressed by the amount of time, effort and commitment put in by people in local government. Any allowance they get is a drop in the ocean compared to what it costs them in sacrificing their family time and other personal time, in addition to the expenses incurred in being an elected member of local government.

I am sure that the allowances that the independent tribunal may provide will never compensate fully what is contributed by council members. At the end of the day they are doing it not simply for financial reward but, rather, to serve the community. The mechanism which the bill will provide—an independent tribunal looking at the allowances—is sensible and should be welcomed by everyone.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (12:09): I wish to make a brief contribution and reflect upon what occurred in the 27 years I worked in local government, the last 13 years as a CE at several councils. One of my responsibilities was to present reports to council at appropriate times on the need to review allowances, so I have had some engagement in this practice. I have heard about it from the elected members' perspective and also the community perspective.

It is fair to say that people I met in local government—and I have worked with probably 200 elected members in my time—were good people who wanted to improve the community in which they lived. They had honourable intentions and did not do it for financial recompense. In the majority of cases they were glad of some level of recovery of the costs associated with becoming an elected member of council.

It is time consuming if it is done properly. They would acknowledge that not all of them commit themselves totally to it. Some do it because they have a particular interest. They all try to focus on positive outcomes, but the degree of commitment does vary between people involved in any role in life, and it varies amongst elected members in local government.

It is interesting that allowances paid to elected members—unless one is the mayor, deputy mayor or chair of a committee where an additional amount is paid—is a common figure. My

overwhelming experience in resolving to pursue a particular level of remuneration or accept a nomination or recommendation from a council CEO is that it was based on their perception of the willingness of the community to accept that level of payment and agree that the people were worthy of it. That itself creates problems because there are always people in a community who support councillors and others who, because of a particular decision that has been made, are aggrieved by councillors and do not like the things they do. Differences of opinion always occur.

It is important to ensure that we achieve an independent system of reviewing allowances, and it is pleasing that the shadow minister has indicated support for the bill, while reserving the right to introduce some amendments in relation to the ability of council to seek a review. That will occur in the committee stage. It is a progressive step to take it directly from the hands of the councillors themselves and give it to an independent group.

Of course, there will be debate about the different levels of councils. Councils have different responsibilities in relation to population and financial commitments and budgets, and I understand that the minister will provide wise words on how that will be done. No two councils are identical—and they do not want to be identical. They want to remain independent, have particular areas on which to focus and commitments to communities at various levels. I think they all do a great job.

It is a step forward to put the allowances process into a truly independent body, away from local and state governments. It ensures that any decision is fair and just. The amendment to be moved by the shadow minister—which I hope will have some level of consideration by the government—is a progressive step forward. It is not just an assumption that a council may choose to pursue a level of review within the short term. It might be the case that a council considers that, rather than the regulated four year cycle upon which a review will be undertaken, what members are being paid is a fair remuneration for their effort and they do not wish to pursue a review at that time. That is a counterbalance argument and it is hard to know how the argument will be pursued by individual councils, and I appreciate that.

The Hon. J.M. Rankine interjecting:

Mr GRIFFITHS: I have a bit of an idea. I note that the Local Government Association supports this bill. The LGA, which has provided representation over decades to the 68 councils—down from 118 councils, and many more before that, as reviews have taken place—has tried to work towards an option that provides for some outside control of this matter. The bill has enormous merit. I commend the shadow minister for his contribution and I look forward to the committee stage.

Mr PENGILLY (Finniss) (12:13): The shadow minister has adequately covered the points in this bill and I do not need to elaborate on them. The issue of councillor and mayoral allowances has been agonised over at local government level for many years. I am sure we all are well aware of it.

I know one of the great concerns has been that there are very small councils and there are quite large councils and one size does not fit all. In country South Australia it is very much the feeling that as a member of council you are a volunteer. Some members are uncomfortable about taking anything at all, so that presents a problem. I also have concerns that there are some people across the state in higher roles as either chairman, councillor or mayors that seek to get the maximum allowance possible and everything that goes with it and make it a full-time job. With the best intent sometimes and sometimes without the best intent, that is fine.

It is very difficult to cater for a council such as Elliston where I think the entire staff runs to five or six people and the CEO does other things as well as his CEO role. Then you go to some other councils where they are getting large amounts, as I said. I know, for example, that the mayor on Kangaroo Island only receives—and I will stand corrected—$14,000 a year, and she puts in seven days a week on it. How they are going to work through this, I do not know. It will be a balancing act for the Remuneration Tribunal to work out.

Local government is anxiously waiting to see what we are going to do with this. It will take it out of their hands, and I hope the outcome is successful, but I suggest that it might not be that long before we discover that it is not working properly and that it could be back in this place for review. Yes, we support the bill. I know there are amendments forthcoming from our side of the house, so I wait with interest to see what the minister's and government's response is to those.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (12:17): I thank members for their contribution and I thank the opposition for its support for this bill that has been keenly sought by local government here in South Australia. I will correct one of the assertions made by the member for Kavel in his opening statement that various ministers have looked at this but did not proceed with it. I was very pleased to advise the President of the Local Government Association that one of my last tasks as minister for local government was to get approval through cabinet for this bill to be worked on.

Mr Goldsworthy: You sat on it for a long time.

The Hon. J.M. RANKINE: No, I did not sit on it at all; we actually worked with local government about what the appropriate process might be.

Mr Goldsworthy: It took a long time.

The Hon. J.M. RANKINE: Unlike you, we talk to people and consult, and I would be interested to know—

Mr Goldsworthy interjecting:

The DEPUTY SPEAKER: Order! The member for Kavel will restrain himself and treat this place with respect.

The Hon. J.M. RANKINE: I would be interested to know what consultation was undertaken in relation to your amendments. In any case, this bill recognises that the tribunal will take into account, as members have said, a range of factors that impacts on councils in determining and setting their allowances. The fact is that councils do that themselves anyway. They have an understanding of their budget pressures and what their communities are prepared to accept as far as an allowance goes. They determined their allowances but the government was responsible for the minimum and maximum amounts that councils could receive.

A range of options was put to the government. Initially, it was about the government determining financial bands and where the councils might fit in those bands. Again, the argument could be that a large budget and a large population means someone gets paid more money than someone with a small budget and a smaller number of constituents. But those smaller councils would also argue that very often they are much more well known by their communities and have a great deal more pressure placed on them than someone in a large city council who may not be so well known by their community and not necessarily have the same level of personal responsibility placed on them.

So, there are a lot of factors that need to be taken into account, I dare say, by the Remuneration Tribunal when it does this. What this bill does is set up an independent process. Again, some people may be happy or not happy with the outcomes but at least they have the opportunity now to put their case to someone who is quite independent to determine the appropriate payment for councillors in the range of our councils across South Australia.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr GOLDSWORTHY: I move:

Page 3, lines 41 to 44 [clause 4, inserted section 76(9)]—Delete subsection (9) and substitute:

(9) A council may, at any time, apply to the Remuneration Tribunal for a review and adjustment of an allowance determined under this section.

(9a) The Remuneration Tribunal may—

(a) after conducting a review of an allowance pursuant to an application under subsection (9) in accordance with procedures determined by the Tribunal—adjust the allowance if the Tribunal considers it appropriate to do so; or

(b) refuse to consider the application if the period since the allowance was last reviewed or determined by the Tribunal has, in the opinion of the Tribunal, been insufficient.

My other amendments Nos 2, 3 and 4 will be regarded as consequential; I wanted to flag that to the committee. The reason why we are looking to move this amendment—and I outlined this in my second reading contribution—is that the bill stipulates that a review of the allowances is to take place every four years. That is a fairly prescriptive process to our way of thinking. If we are looking at modelling what occurs at a local government level in relation to perhaps what occurs at our level, and the Remuneration Tribunal obviously reviews and sets allowances for state MPs, that does not occur on a specific time frame. My understanding is that it does not occur at prescribed time intervals; that perhaps outlines it better.

It is our belief that a council should be given the ability to make its own decision about when it may apply to the Remuneration Tribunal for review, and then, obviously, the Remuneration Tribunal can make those considerations and bring down a deliberate decision. We believe that the legislation is too prescriptive as it currently stands, that it should take place automatically every four years.

Also, another issue is that it places an unnecessary workload on the Remuneration Tribunal for it to look at each of the 69 councils after that four-year period. If you have councils making applications when they believe it is time to review their allowances, it also assists in spreading the workload and reducing the pressure on the Remuneration Tribunal office. We think the amendment is quite a sensible proposal. We are not saying that councils are not allowed to have their allowances reviewed; we just believe that it is unnecessarily prescriptive that they be reviewed on a four-year cyclical basis.

The Hon. J.M. RANKINE: The government is not supporting this amendment whereby councils can apply on an annual basis. The amendment provides that the council can apply 'at any time'; so, not necessarily annually—any time. They could go in six monthly or three monthly to have their allowances reviewed. It is highly unlikely that any council would apply to the tribunal to have its allowances reduced. What we are talking about here is open slather, any time, for councils to be able to apply to have their allowances increased.

This legislation currently allows for a four-year independent review prior to council elections, and in the intervening period those allowances will have CPI adjustments to ensure that they maintain their value. To say that it is an unreasonable burden on the tribunal, let me assure the committee that the tribunal has made it very clear that it can manage this workload and is quite keen to take it on.

What we know is that increased allowances for council members means increased costs for ratepayers, and the cost of the Remuneration Tribunal's assessment of these applications will be passed on to council. You are again talking about ultimately putting more burden on ratepayers. So, not only are they paying increased council allowances, they are paying for the cost of having them reviewed whenever a council sees fit. I think these amendments are ill thought out by the opposition and will just create more angst in the community than we have seen in the past in relation to the setting of these allowances.

Mr GOLDSWORTHY: I understand what the minister is saying, but she is not reading the whole amendment. Proposed new subsection (9a)(b) provides that:

> The Remuneration Tribunal may—
>
> (b) refuse to consider the application if the period since the allowance was last reviewed or determined by the Tribunal has, in the opinion of the Tribunal, been insufficient.

Do you really think, minister, that mayors and councillors would go to the Remuneration Tribunal every three months or six months and, in practical application, look to have their allowances reviewed? If you read the amendment properly in its entirety you will see that those issues are being dealt with. I think you are being a little bit disparaging of local government representatives in your assertion that they would seek a review of their allowances when, perhaps, they were not warranted. The amendment is quite clear that the tribunal has the power to reject or refuse the application.

I imagine that, if the issue of making an application for review came up before the council, it would consider how long ago it had asked for a review, and, if that was refused, what were its chances of making another application for review. These people are sensible; they will not make an application that is unreasonable just for the sake of it. You have to give the elected representatives of local government credit for understanding the ramifications of their decisions. I think the minister is drawing a bit of a long bow with her remarks.

The Hon. R.B. SUCH: I do not support this amendment. I think there is adequate opportunity, as has been outlined by the minister, for the allowances to be reviewed at not too great an interval of time. I cannot see why a council would want or need to have a review that is outside what is provided for in the bill. I just make a couple of other quick points. I think the minister indicated that councils were supportive of having this. I do not believe that they were supportive at all because in my understanding they were resisting anything that took away what they saw as their right to set their allowances, just as they fight strongly to resist the Auditor-General having any oversight of their finances.

Mr Goldsworthy: That's not right.

The Hon. R.B. SUCH: The member for Kavel says, 'That's not right.' I am not sure whether he is referring to the Auditor-General but councils and the LGA, in particular, do not like anyone having any say or any oversight of what they do even though they are owned by the community. We now have this fancy term 'customer' instead of 'ratepayer'. The ratepayer is the owner of the council. It is not a customer: it is the owner.

I am not advocating the Brisbane model but I just point out that Brisbane, in paying its allowance to full-time councillors, pays less than the amount paid to the 300 elected members that we have in the metropolitan area of Adelaide alone who are on councils. That is in the Brisbane council which has a budget in excess of $2 billion and is responsible for buses, water, sewerage and planning. It does all that and yet the cost of the allowances it pays or the money it pays to its full-time councillors is less than we pay here to our part-time and, as I say, dedicated volunteers, 300 of whom are in the metropolitan area alone.

The Hon. J.M. RANKINE: I would be interested to know what consultation the opposition undertook in relation to these amendments. Did it discuss this with the Local Government Association? Does it have Local Government Association endorsement or any specific council endorsement? Our understanding is that it has not and, by the sheepish look on the member for Kavel's face, I suspect that information is probably correct.

Mr Goldsworthy interjecting:

The Hon. J.M. RANKINE: Sheepish, it is. The other thing about this amendment is that it is not clear whether it is only one council that may apply 'at any time' or whether it would be a category of councils in relation to applying for an increase in these allowances 'at any time'—as I said, not annually, as the member for Kavel tried to assert, but at any time.

When you are drafting legislation, it is probably wise, in simple things like this, to be a bit more specific about what you mean. In fact, if a council applied and then the allowance increase applied to a range of councils, it could have quite unintended repercussions for a number of councils. I think it is very ill thought out and I would be interested to hear the consultation process that has been undertaken in relation to it.

Amendment negatived; clause passed.

Remaining clause (5) and title passed.

Bill reported without amendment.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (12:35): I move:

That this bill be now read a third time.

I thank members for their contribution and support for this legislation. I know it will be very welcomed by local government across South Australia. I thank all those people involved in the preparation and consultation process that has been undertaken to ensure we get this legislation passed before the next council elections.

Bill read a third time and passed.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

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

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Legislative Council agreed to grant a conference as requested by the House of Assembly. The Legislative Council named the hour 4pm to receive the managers on behalf of the House of Assembly at the Plaza Room on the 1st floor of the Legislative Council.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (12:37): I move:

That standing orders be so far suspended as to enable the sitting of the house to be continued during the conference with the Legislative Council on the bill.

Motion carried.

MOTOR VEHICLES (MISCELLANEOUS NO. 2) AMENDMENT BILL

The Legislative Council agreed not to insist on its amendment No. 2 to which the House of Assembly had disagreed; agreed to the alternative amendment made by the House of Assembly; and agreed to the consequential amendment to the bill.

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) BILL

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

LOCAL GOVERNMENT (ACCOUNTABILITY FRAMEWORK) AMENDMENT BILL

Received from the Legislative Council and read a first time.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PROJECT) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT AND REPEAL (TRADE MEASUREMENT) BILL

Adjourned debate on second reading.

(Continued from 28 October 2009. Page 4533.)

The Hon. I.F. EVANS (Davenport) (12:39): I indicate I am the lead speaker and probably the only speaker from this side on this bill. The opposition thanks the government for the briefing on this bill and, as a result of the briefing, we will not be supporting the bill.

Our understanding of this bill is as follows. In April 2007, the Rann government signed a COAG agreement to move to a national system of weights and measures administration. The state government advises that the commonwealth government has always held the power under the Commonwealth Constitution to instigate a weights and measures legislation and bureaucracy but has chosen not to utilise it. My understanding from the briefing is that the 13 state public servants, the building and the assets (that is, the testing equipment, etc.) will be transferred to the commonwealth and that the building and the assets will be transferred at no cost.

The state government understands that the commonwealth will be constructing a new building in three years. One assumes that the commonwealth can off-load the building that we are giving it or sell the assets that we are giving it at some time in the future. As a result of this change, the commonwealth will not be charging for testing, so it says. Currently, the state government does charge for testing, so we acknowledge that there would be a small saving to business through not having the test fees.

How long the commonwealth will not charge the test fees for is unknown to the opposition. It was requested of the government. and the answer was that the government does not know itself. So, while the commonwealth has committed to no test fee at the moment, what a future decision of the commonwealth government might be, who knows. Licensed repairers who are currently licensed with the state at a cost of $216 per annum, plus a one-off $91 application fee and a $560 per person fee will now be licensed by the commonwealth, yet the cost and the structure of the licence is unknown to the state and unknown to the opposition.

The estimated saving to the state government is around $320,000 a year, the loss in revenue is around $560,000 and the saving in expenditure is alleged to be $880,000—although one assumes that the 13 state public servants will be either transferred back into other agencies at

the state level and money spent on their salaries here or transferred to the commonwealth. What type of new inspection regime will be implemented by the federal government is not known by the state and therefore not known by the opposition. We do not know whether it will be a more rigorous inspection regime or a less rigorous inspection regime.

What new penalties will be applied to businesses under the commonwealth model is not known to the state and not known to the opposition. We do not know whether it will be a more aggressive penalty regime or a less aggressive penalty regime. What level of penalty will apply under the commonwealth legislation is not known to the state. We do not know whether businesses will have a higher penalty regime or a lower penalty regime.

In relation to consumer affairs complaints, advice to the state opposition is that they will not be handled by the state's consumer affairs organisation because it is no longer a state agency, but the state government is unaware whether there will be a federal mechanism for dealing with consumer complaints.

The short answer is this: the opposition asked all those questions of the government in its briefing and all the answers that I have given to the house were the answers given to the opposition as per the briefing. No further information has come to the opposition to clarify any of those questions. So, on the basis that the opposition has answers to none of those questions about how this system is going to work, we are not supporting the legislation, because we are not convinced about the detail of the bill. There may be a good principled reason why you might want to transfer weights and measures federally after 180 years of states running it (why, suddenly, the feds need to run it), but that has not been argued to the opposition. We do not know the inspection regime, we do not know the penalty regime, we do not know the fee structure and we do not know the human complaints structure.

How this system is actually going to work federally, no-one knows; or, if they do know, they certainly did not brief opposition members when we were asking our questions and they have not forwarded any information to us. Some may think it a matter of simply flicking off to the commonwealth all the state powers in relation to trade measurement, but the opposition takes the position that, unless the state government can convince us that there is a fairer and better system or some argument of benefit to the state to do so, we will not do it. The opposition, given that essentially this is a repeal and referral bill, is not moving any amendments. If the bill is defeated, the system stays as it is. If the government wins the day, and wins the referral, it is simply a leap into the unknown because no-one can tell us how the system will work, and that is regrettable.

The Hon. R.B. SUCH (Fisher) (12:44): I guess that few members go to bed at night reading the intricate detail of the National Measurement Act 1960, which is a commonwealth act. As the member for Davenport said, for a long time the commonwealth has had the power to regulate and control weights and measures, but it has also taken a long time for the activities to be transferred to the commonwealth, and that is what I understand this bill is primarily about.

People might not think that this measure is important, but everything we do in our daily activities is affected by weights and measures of one kind or another, and that includes whether you buy a litre of petrol or a kilogram of sugar. As I understand it, it includes equipment used for radiotherapy, police speed detection devices and a whole range of things that ultimately have to be traceable back to the National Measurement Act. Under that umbrella is the national testing authority (NATA), which is responsible for ensuring that standards are met.

We take these things for granted, but from what I am told by lawyers (and I am not a lawyer), in some respects South Australia is deficient in terms of meeting some of those standards. There are international standards to which Australia is a signatory, and there are also the Australian Standards, which relate to nearly everything we do in terms of building codes, swimming pools and so on. There is more than one standard in relation to radar cameras and, as I have found out, there are some in relation to lidar devices.

A constituent, who is a former head of weights and measures in Queensland, put to me that South Australia has been in breach of some of these legal provisions for some time. I know for a fact that the police laboratory here has not been accredited for four years or more and only recently regained accreditation after the equipment was moved from Sturt Police Station to Netley and some of the staff left.

People who are very competent—such as Les Felix (who is a police calibration expert who advises New South Wales Police and others) and Grad Zivkovic (who is a road safety engineer), and professors of physics at Adelaide University—have some concern about whether some of the

things the government is doing in terms of the use of its equipment, particularly in the police department, but not only there, and whether or not they meet the appropriate standards.

This is not simply a minor issue that should be pushed through. I think members really need to know whether or not the state government, through all its agencies, is committed to upholding the appropriate standards, whether they be internationally agreed, whether they be Australian standards or whether they be requirements under the National Measurement Act and through the national testing agency because, if you go for radiotherapy, you want to know that the machine is properly calibrated and gives the correct dose, and that is just one example.

This is a short bill, and I think that, as the member for Davenport indicated, more explanation is required before the parliament simply says yes.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (12:49): As members opposite have mentioned, COAG agreed to this responsibility reverting back to the commonwealth, seeking an implementation date of 1 July next year. The central administration of the trade measurement is expected to produce benefits for businesses, consumers and government, and a single policy platform would allow the government to provide a framework that will provide for consistent and timely adoption of single set techniques and processes for industry. Requiring compliance with a single set of requirements nationwide is likely to result in cost reductions and efficiency gains. So, basically, around the nation we will have uniform requirements as far as trade measurement is concerned.

The agreement involves the commonwealth using existing state and territory staff and infrastructure to continue performing trade measurement duties. Here in South Australia, 13 staff are employed in trade measurement. Each staff member has received an offer of employment from the commonwealth on the basis that they are employed by the South Australian government up to 30 June 2010. I understand that at this stage 11 staff have indicated they are likely to accept the commonwealth offer of employment. However, those who do not wish to transfer will be redeployed.

Under the COAG agreement, the commonwealth will fully fund the ongoing administration of trade measurement, as I said, from 1 July. The decision also agreed that the states and territories will transfer existing trade measurement testing and other scientific equipment to the commonwealth at no cost. That is not the property, about which I think the member for Davenport had some concern, but in fact the equipment that is used for testing. I understand that that has a depreciated book value of about $971,000, but the majority of these assets are specific to trade measurement functions. So, there will be some historic trade measurement assets that we will retain but those assets that are used on a regular basis to undertake the work will be transferred to the commonwealth.

The Hon. I.F. Evans: At no cost?

The Hon. J.M. RANKINE: At no cost. In relation to the property, the commonwealth has indicated that it will lease the current premises at Thebarton for a maximum of three years. The lease will be on current market terms and will be between the Department for Transport, Energy and Infrastructure and the commonwealth. The commonwealth may relocate to new purpose-built premises in the future but this will be at no cost to the state, and the land and premises at Thebarton will remain the property of the state.

In relation to the fees and licensing, for those traders who use measuring instruments in the course of their business, there will be significant cost savings. Under the new regime, traders will no longer be charged to have their equipment tested by the commonwealth. The Department of Trade and Economic Development confirms that this will save businesses over $600,000 a year. The commonwealth will take over the licensing function and has indicated that it will adopt a full cost recovery model for licensing.

The Hon. I.F. Evans: That's right; full cost recovery.

The Hon. J.M. RANKINE: That is right. Instrument repairers and weighbridge operators who are holders of current South Australian licences will be grandfathered into the system and will not be required to pay a licence fee to the commonwealth until the licence is due to be renewed. Those holding licences in more than one jurisdiction will be required to obtain a national licence at the expiry of the first licence. So, for those people who operate across states there is likely to be a significant saving, because in fact they will only require a national licence and not a licence in every

state in which they operate. I understand that there are about 50 licensed repairers in South Australia and about 50 licensed businesses that operate public weighbridges.

With respect to the budget savings, commencing in 2010-11, the impact on the budget will be a loss of $566,000 in revenue that is currently collected by OCBA, but this is offset by expenditure savings of $879,000, which represents the salaries and wages and goods and services expenditure that is expected to be saved, resulting in a net saving to the state government of $313,000 per annum.

There are no anticipated changes to the inspection regime under the commonwealth's administration of trade measurement. The inspection regime is expected to improve strategically since testing will now be performed on a national basis. The new national system is based on the trade measurement regulation currently administered by the states and territories under the uniform trade measurement legislation, and the commonwealth has committed itself to ensure continuity of service and the maintenance of existing service standards provided by the states and territories.

The commonwealth anticipates that it will investigate complaints in the same manner in which the state now deals with these complaints. On average approximately 300 complaints are received each year. While the bill repeals the trade measurement legislation, it also provides for certain transitional provisions which are reasonable, appropriate and necessary for finalising any outstanding administrative or enforcement matters at the time of the transfer.

The bill enables information associated with the administration of the trade measurements to be provided to the commonwealth. This will allow the commonwealth to establish systems as soon as practicable so as to facilitate a seamless transition to a national regime with minimal, if any, adverse impacts on the community.

On 1 July 2010 all states' and territories' trade measurement law will become redundant once the new commonwealth law commences. I seek support of this house for the bill to facilitate a smooth transition to a national trade measurement system.

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

[Sitting suspended from 12:58 to 14:00]

NAIRNE RAILWAY STATION

Mr GOLDSWORTHY (Kavel): Presented a petition signed by 565 residents of Nairne and greater South Australia requesting the house to urge the government not to demolish the railway shed at the Nairne Railway Station.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

WOMEN ON BOARDS AND COMMITTEES

In reply to **Ms CHAPMAN (Bragg)** (29 June 2009) (Estimates Committee B).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): I am advised:

I refer the Honourable Member to the Boards and Committees Information System (BCIS) which is tabled each year in Parliament.

PUBLIC SECTOR WORKFORCE DATA

In reply to **Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition)** (22 September 2009).

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): I have been advised of the following:

In the Estimates Committee of June 25, 2009 the Commissioner for Public Employment advised that the annual report on public sector workforce information for the year ending June 2008 would be provided by the end of July 2009. This undertaking was based on an understanding of circumstances at the time. Unfortunately there were some unforeseen difficulties for the specific set of data required by the Commissioner.

The tables were loaded progressively onto the website of the Office for Ethical Standards and Professional Integrity following final confirmation of the validity of the data by agencies, and the report has now been released.

A number of improvements to the processes of data collection and analysis have occurred over the past year and indications, to this point in time, are that the 2009 collection will be completed before the end of this year.

PUBLIC SECTOR WORKFORCE DATA

In reply to **Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition)** (28 October 2009).

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): I have been advised of the following:

In the Estimates Committee of June 25, 2009 the Commissioner for Public Employment advised that the annual report on public sector workforce information for the year ending June 2008 would be provided by the end of July 2009. This undertaking was based on an understanding of circumstances at the time. Unfortunately there were some unforeseen difficulties for the specific set of data required by the Commissioner.

The tables were loaded progressively onto the website of the Office for Ethical Standards and Professional Integrity following final confirmation of the validity of the data by agencies, and the report has now been released.

A number of improvements to the processes of data collection and analysis have occurred over the past year and indications, to this point in time, are that the 2009 collection will be completed before the end of this year.

AUDITOR-GENERAL'S REPORT

The SPEAKER: I lay on the table a supplementary report of the Auditor-General entitled Agency Audit Report and a Matter of Specific Audit Comment, December 2009.

Report ordered to be published.

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government—
- Port Pirie Regional Council—Report 2008-09
- Streaky Bay, District Council of—Report 2008-09
- Walkerville, Corporation of the Town—Report 2008-09

Parliamentary Service of the House of Assembly—Report 2008-09
Save the River Murray Fund—Report 2008-09

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

Art Gallery of South Australia—Report 2008-09
Disability Information and Resources Centre Inc—Report 2008-09

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

Commissioner for Victims' Rights—Report 2008-09
Public Advocate, South Australian Office of—Report 2008-09

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

South Australia Police—Report 2008-09

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

Fire and Emergency Services Commission, South Australian—Report 2008-09

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

Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry: A Report into Sexual Abuse—Report 2008-09
Community Benefit SA—Report 2008-09
Consumer Affairs, Commissioner for—Report 2008-09
Dame Roma Mitchell Trust Fund for Children and Young People—Report 2008-09

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

Death of Rowan Scott Wheaton—Report on actions taken by the Department for Families and Communities in Response to the Recommendations of the Coroner following the Inquest

By the Minister for Correctional Services (Hon. A. Koutsantonis)—

Correctional Services Advisory Council—Report 2008-09

By the Minister for Gambling (Hon. A. Koutsantonis)—

Problem Gambling Family Protection Orders Act 2004—Report 2008-09

ADELAIDE OVAL

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) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today this government welcomed an historic agreement by the South Australian Cricket Association and the South Australian National Football League to work together to have AFL—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Today this government welcomed an historic agreement by the South Australian Cricket Association and the South Australian National Football League to work together to have AFL footy matches and first class cricket played at a redeveloped 50,000 seat Adelaide Oval. At a press conference today at Adelaide Oval, the SACA's Ian McLachlan (former federal Liberal defence minister, who is President of SACA), the SANFL's Leigh Whicker and the AFL's Andrew Demetriou announced that they had brokered a peace deal.

After 35 years of what at one stage could be best described as a bitter divide, all parties finally got together to broker a deal that will revitalise Adelaide Oval, revitalise world class cricket and revitalise AFL football in this state. The Crows want this; the Crows support it. Port Adelaide supports it. Cricket supports it. The SANFL supports it, the AFL supports it and I am sure that fans and businesses in the CBD would also support it.

It will bring to life the centre of the city all year round with cricket, AFL footy, rugby and other special events, including entertainment and it will be a venue fit to host World Cup soccer games. This is a victory for sports fans who for years have wanted to see an upgraded Adelaide Oval and footy and cricket played at the same venue.

The agreement signed by the codes three weeks ago creates a new structure to oversee the project and the running of the new stadium. This is the first major step—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: This is the first major step in bringing AFL to Adelaide Oval—

Mrs Redmond interjecting:

The SPEAKER: Order, the Leader of the Opposition!

The Hon. M.D. RANN: —and redeveloping the ground as one of the world's truly unique sporting venues in the heart of the city. This is about bringing our city alive. This is about making sure that we have the best facilities for fans, for footy, for cricket and for other codes. It means, of course, a perfect link with the electrified railway lines being electrified from—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —Gawler down to Noarlunga and then on to Seaford, the coast-to-coast tram network as well. Under the agreement two working parties will be formed to examine the detailed financial requirements of the redevelopment and to scope, plan, design and put the project out to tender. Those working parties will also need to consult widely, including with the Adelaide City Council and local businesses, to take into account and resolve local community issues.

The state government is insisting on a legally binding agreement for the Adelaide Oval site from both SACA and SANFL by 1 July next year; but there is a really good financial carrot for them to do so. In the meantime, the state government will pursue financial assistance from the commonwealth of up to $100 million to assist in meeting our in-principle commitment to backing the project with up to $450 million. My position on such a deal has always been clear. What I have said to sporting groups is that it was not—

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

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

The Hon. M.D. RANN: What I said to cricket was that it was not for cricket to tell football what was good for football. What I said to football is, 'Come to me with a united view.' What I said to football and cricket was, 'If you unite together with one plan for the codes, then come and see us and we will back you in,' and that is exactly what has happened.

I have always said that when the sporting bodies decided what is in the best interests of cricket, what is in the best interests of football, and agreed to working out how to share the Adelaide Oval, only then would the government step in to back it financially. The government is prepared to make this significant investment in the state's best interests. However, if any of the parties walk away from the deal after today's announcement the money is off the table; that is absolutely it. This is a unique, once in a lifetime opportunity. Football and cricket have come together, and we are going to back them in. We believe this is a once in a lifetime opportunity.

I want to pay tribute to the Deputy Premier. The Deputy Premier has been informally working with both codes for about the past 18 months to encourage them to cooperate in exploring the advantages of reaching an agreement. As a result, for the first time in more than 35 years we have our two peak sporting bodies working together again. Now the government will join them in working towards delivering a world-class sporting and entertainment venue in the centre of Adelaide, at an iconic ground loved by sports fans here, interstate and internationally.

Importantly, the century-old scoreboard and the grass hill beneath the Moreton Bay fig trees at the cathedral end will remain in the redeveloped oval, thus creating one of the world's truly unique sporting venues. This will mean that, while there are 50,000 seats in the stadium, the oval will have the capacity to actually hold about 52,000 spectators.

Once all outstanding issues have been resolved, the redeveloped Adelaide Oval will continue to be the home of domestic and international cricket in South Australia, and will host Adelaide's two AFL teams—Adelaide and Port Adelaide—as well as a range of other sporting and special events.

As outlined by the Treasurer today, the state government will fund its investment in the project by delaying the $200 million West Lakes tram extension project and reallocating the money to the oval.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The electrified rail extension to Port Adelaide and Semaphore will proceed on schedule. We will also transfer the previously announced $100 million AAMI Stadium grant to the Adelaide Oval. The remainder of the $150 million, depending on the commonwealth contribution, will be funded from future state budgets.

We will be asking for a commonwealth contribution to ensure that the state has a FIFA compliant stadium for Australia's bid to host either the 2018 or 2022 World Cup. Part of the redevelopment—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. M.D. RANN: Part of the redevelopment will include a pedestrian bridge across the Torrens to link the oval with the railway station and the adjacent North Terrace tram stop, as well as, obviously, the railway lines, and parking facilities in the West End of the city. The bridge has been costed at $20 million. The bridge will enable patrons travelling either on our fast, electrified rail lines or trams to access the oval more easily. Those travelling by car will have access to parking alongside the Adelaide Oval, as is currently the case for the test matches, or to the parking stations that are already available throughout the CBD.

The redeveloped Adelaide Oval is likely to be the first stage in a major redevelopment of the Torrens precinct. The Economic Development Board has been working through a range of options for the Torrens frontage including a redeveloped Convention Centre precinct, restaurants, shops and art spaces.

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss!

The Hon. M.D. RANN: That work is continuing and more detail will be provided in the coming months.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley!

The Hon. M.D. RANN: If the Liberal opposition wants to come out against football, wants to come out against cricket, wants to come out against the public interest, then let it say so.

Mr Williams interjecting:

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

Mr Venning interjecting:

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

SELECT COMMITTEE ON PRIVATE CERTIFIERS

Mr RAU (Enfield) (14:12): I bring up the final report of the committee entitled Engineering: A Safer Future, together with minutes of proceedings and evidence.

Report received.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

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) (14:13): I bring up the annual report 2008-09 of the committee.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:14): I bring up the 32nd report of the committee.

Report received.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood) (14:14): I bring up the 357th report of the committee, entitled Glenside Campus Redevelopment: New Health Facilities, Public Open Space and Site-Wide Infrastructure.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 358th report of the committee, entitled East Adelaide Schools Redevelopment.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 359th report of the committee, entitled Port Lincoln Prison Expansion.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 360th report of the committee, entitled Attorney-General's Department Office Accommodation.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 361st report of the committee, entitled Upper South-East Dryland Salinity and Flood Management Program REFLOWS Project.

Report received and ordered to be published.

QUESTION TIME

LIBERAL PARTY INITIATIVES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:17): Where do I begin? My question is for the Premier. Now that the government has followed the opposition on desalination, stormwater, water restrictions, Tasers, the rebuild of the Magill centre and now the need for a new city stadium, when will the government be announcing the establishment of an independent commission against corruption and the need to rebuild the Royal Adelaide Hospital on its current site?

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) (14:17): Very interesting. Instead of the Liberals' gimmick of Disneyland plus Las Vegas—they said there was going to be a country club in an area 14 storeys, or something, in the flight zone—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: They said it was the flight zone before for the hospital, but suddenly they have high-rise on it. They said that it was going to be on a fault line and now we are going to have a stadium and everything else—a car park the size of Heathrow's on a fault line. This was signed three weeks ago, following 18 months of negotiations, because we actually do things while you fight amongst yourselves.

Members interjecting:

The SPEAKER: Order!

MAJOR DEVELOPMENTS DIRECTORY

Mr KENYON (Newland) (14:18): My question is to the Premier. Can the Premier inform the house about the release of the 2009-10 Major Developments Directory?

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) (14:18): Last Friday, at the annual South Australian Investment Symposium, I launched the 2009-10 Major Developments Directory. The directory brings together information about public and private sector projects in progress or in the pipeline in South Australia. The information contained in the directory provides South Australian businesses with opportunities to link into major projects, plan for the future and help generate jobs in South Australia. The directory shows that the value of major developments in South Australia now stands at a record $71.5 billion. This is

testament to the resilience of the state's economy and further proof that the state is emerging strongly from the global slowdown.

Major developments are driving our recovery and bringing jobs, investment and renewed confidence to the South Australian economy. Let me put this into perspective. No directory was issued last year because we had the global financial crisis—a tsunami that was supposed to be heading in our direction—and the challenges have been huge. But the directory was issued the year before, and then it was $44.8 billion. The current figure, of course, is dominated by minerals and energy, urban development and defence projects—so, from $44.8 billion to $71.5 billion.

The 2009-10 directory does not include the $2.58 billion worth of projects completed in the past two years. It outlines a variety of minerals and energy projects (which I know the member for Newland is very keen on) valued at $28.9 billion, highlighting the opportunities available in the resources sector. This government's focus on opening the state up for mining is now paying off. South Australia has gone from four mines to, I think, the latest figure of 11. We had Iluka starting production last week, and we expect 16 to be operating by the end of next year.

There are now more than 20 other projects at the advanced exploration or assessment level, or progressing through prefeasibility to the mining proposal stage. Then there is the planned expansion of BHP Billiton's Olympic Dam resource, which will create the world's greatest mine. We continue to see an expansion of wind farms and geothermal exploration in South Australia as our reputation as a renewable energy leader grows. The development's directory outlines $3.7 billion of renewable energy projects. This includes AGL's Hallett Group of wind farms, Wizard Power's Whyalla Solar Oasis project, as well as geothermal pilot and proof-of-concept projects from Geodynamics and Petratherm, which recently got more than $100 million of support from the federal government.

South Australia also continues to build on its reputation as the nation's defence state. Defence contracts make up more than $9 billion in the current major developments figure. The projects outlined in the directory contribute to the $14 billion worth of defence and security projects awarded to South Australia in the last six years. But I want to make this clear: these figures do not include the massive future submarine project—the largest defence procurement project ever to be undertaken in Australia, estimated to be worth some $30 billion and guaranteed by the Prime Minister, successive ministers of defence and the defence white paper.

Building on South Australia's success in securing the $8 billion air warfare destroyer project, 12 next-generation submarines will be assembled at Techport Australia, Australia's premier naval industry hub. One of the most outstanding aspects of the South Australian Major Developments Directory is the big jump in urban development spending, and I want to pay tribute to the Minister for Infrastructure. There are projects underway and in the pipeline worth $18.6 billion, representing a huge investment in land, housing and associated infrastructure in this state.

The vision for our city's future has been outlined in the draft 30-Year Plan for Greater Adelaide, which was released for public consultation earlier this year. The plan underpins our state's economic growth by ensuring that Adelaide remains a competitive, liveable, climate-resilient city with a unique and enviable lifestyle. The government recognises that this state's productivity and competitiveness rely heavily on the capacity of the state's infrastructure. That is why we have committed to $11.4 billion worth of infrastructure projects over four years as contained in this year's state budget.

This includes a $2 billion investment in public transport, featuring the upgrade and electrification of a metro train network and the ongoing investment to streamline our major north-south road transport corridor. As part of the corridor, the $812 million South Road Superway will provide a 10 metre high road bridge connecting the Port River Expressway to Regency Road. Obviously, there are also schools and health and medical developments valued at more than $4.1 billion, including the new $1.7 billion 800 bed Royal Adelaide Hospital to be built in the heart of the city.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:23): My question is for the Treasurer. Is it correct that the government will spend $450 million on upgrades to the Adelaide Oval that do not include a roof to the stadium or extra car parking on site?

An honourable member interjecting:

Mrs REDMOND: Yes, that is correct.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: The house will come to order!

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:24): Today we had a very long press conference, in excess of an hour. We exhausted questions. The leader asks that probing question: does it have a closing roof on it? No, sir, it does not. That was evident in the fly-through video presentation and in all the pictures that were put out if you look at Adelaidenow.

The government primarily had initial meetings with the Premier and subsequent meetings with me, Andrew Demetriou, Leigh Whicker and Ian McLachlan—a proud conservative Liberal, if there is such a thing. I acknowledge the work of Ian McLachlan, a fine South Australian and a great leader of the South Australian Cricket Association. In all the discussions we have had with Andrew Demetriou, ultimately the design was up to what football and cricket wanted. We had a number of meetings.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: She laughs. Why would we want to listen to what football wanted? Why wouldn't we just build our own stadium and just hope that they will come and play?

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: The wind. How often have you been to the football?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: You don't go to AAMI?

Mrs Redmond: Never been.

The Hon. K.O. FOLEY: Never been to AAMI! The leader has just said that she has never been to AAMI Stadium. The leader of the Liberal Party, professing to know what's best for football, has never been to AAMI Stadium—never been to AAMI Stadium. Oh, my God! I am gobsmacked.

Mr WILLIAMS: Point of order, Mr Speaker. I understand the Deputy Premier being gobsmacked—he is very easily gobsmacked, apparently—but—

The SPEAKER: Order, the member for MacKillop!

Mr WILLIAMS: —the question was: is there a roof and is there car parking?

The SPEAKER: Order! The Treasurer needs to turn back to the substance of the question.

The Hon. K.O. FOLEY: I will come to car parking in a moment, but the Liberal Party, putting themselves up as an authority on what is best for football—

Mr WILLIAMS: On a point of order, Mr Speaker, you have just directed him to come back to the substance of the question, and he is deliberately—

The SPEAKER: Order! The member for MacKillop will take his seat. The Treasurer will turn to the substance of the question.

The Hon. K.O. FOLEY: The design was up to them. In an earlier meeting I had with the AFL, they had commissioned, together with some others, concept plans that we then took through some evolutions to what we have now.

Members interjecting:

The SPEAKER: Order!

Mrs Redmond: I know how to talk to them.

The Hon. K.O. FOLEY: The leader just said she knows how to talk to them. I don't think she has been talking to Ian McLachlan. Never once do I recall—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The football codes or the cricket have not asked for a roof. Cricket wouldn't want one because you might hit the roof when you are going for a massive great big tonk straight back down over the bowler's head, and football has never asked for a roof.

Mrs Redmond interjecting:

The SPEAKER: Order, the Leader of the Opposition!

The Hon. K.O. FOLEY: This is not Chicago. We don't have blizzards. This is a Mediterranean climate. I have to say to the leader that, having watched many a game at both Adelaide Oval and Football Park over the years, wind is an element of the game. Tossing the coin, you always want to kick with the wind. I am happy to give the leader some lessons on the finer points of football.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney-General!

The Hon. K.O. FOLEY: I reckon that if Andrew Demetriou and the AFL are happy with no roof, and the SANFL are happy—

Mrs Redmond interjecting:

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

The Hon. K.O. FOLEY: —and the Power are happy and the Adelaide Crows are happy, I think we can take that as a reasonable amount of advice that this is the right structure. They have never asked for a roof. It would destroy both the ambience and the functionality of that ground.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: When it comes to car parking, as we said in a press conference today, the preferred position of the football and cricket associations is to maximise (as they do now for cricket) parking on the existing parkland spaces.

Mrs Redmond interjecting:

The SPEAKER: The Leader of the Opposition is warned.

The Hon. K.O. FOLEY: Because the leader has never been to Football Park, parking at Football Park is on grass and it is in winter—and it works. I do not think there is a different soil type or different grass—maybe there is. To the leader, at Football Park when you go down West Lakes Boulevard you turn in onto some gravel and park on the lawn, and you can drive off; you do not get bogged. As my good friend—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —and astute football follower, the Attorney-General (and a great lover of the Port Adelaide Football Club) said, we had football at Adelaide Oval right up until about 1974. I know the leader would not remember this, but I remember as a lad going there one day and there were about 67,000 people at Adelaide Oval.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Yes, exactly. That is why I remember it. We are coming back after you blokes one day; don't worry about that. Port Adelaide v Sturt to be the curtain raiser to the first AFL game. Now, where was I? Parking. That is what they want. I have already had discussions with Michael Harbison and Peter Smith, the CEO of the council. They have introduced the concept, which can be worked through, of additional parking or supplementary parking, which could be underground parking, looking at that as a commercial venture. Those things can be worked through. With respect to car parking, nominally, they are looking at 3,500 car parks, not the

13,000 that they want over here. Also remember, as the Premier mentioned earlier—I love it when a plan comes together—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —from Seaford to Gawler, from Semaphore/Port Adelaide/Outer Harbor, from Grange, from Belair, trains will be coming into the city, and I am sure the minister can arrange for some express trains. When you hop out of those trains there is a beautiful, large walking bridge going over, and you just stream into the ground. Each and every week a city alive: a city where commerce will be in full flight. They will not be stuck down that end of the city and have to walk all the way up and back. They will be right next to it.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As much as—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As much as I shout over the members opposite, can I say this as I wind up. This has been a project 18 months in the making.

Members interjecting:

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

The Hon. K.O. FOLEY: If they think I am misleading the house, can they please move a substantive motion? In the evolution of time, meeting after meeting, a million phone calls, the AFL—

Members interjecting:

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

The Hon. K.O. FOLEY: The AFL, SANFL and SACA have met secretly, or in private, in Adelaide, I think, on more than one occasion. I have met with Andrew Demetriou and Ian McLachlan, as I have with the SANFL, over the last 18 months, as has the Premier. There was a two day meeting roughly three or four weeks ago in Melbourne, which also included an overnight stay by the officials. They worked through the night. A term sheet was signed by both parties, the SACA and the SANFL, and was witnessed by Andrew Demetriou. The Chairman of the AFL, Mr Mike Fitzpatrick, with whom I had had previous discussions, was intimately involved with all of these discussions over that two day period.

Mrs Redmond: You've got an MOU.

The Hon. K.O. FOLEY: MOU!

Mr Williams: Eighteen months, and this is all you've got to show for it.

The SPEAKER: The member for MacKillop!

The Hon. K.O. FOLEY: Eighteen months, and all we have got is this. Getting SACA and the SANFL together, walking in step and agreeing to go back to Adelaide Oval, has taken 18 months. I wish it was a lot quicker; trust me, I wish it was a lot quicker, but it was not.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. K.O. FOLEY: These parties are absolutely committed to it. We believe there is no obstacle that will stand in its way.

Members interjecting:

The SPEAKER: Order, the member for MacKillop and the Deputy Leader of the Opposition!

The Hon. K.O. FOLEY: A little soft interjection from the deputy leader. This is a historic agreement. This is an agreement of enormous goodwill. The public of South Australia will embrace

this in force. While there are issues that have to be worked through, in fairness to both sides—and they are well known—I do not believe, nor do the parties involved, that they are show stoppers.

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. K.O. FOLEY: The only people whingeing, whining and complaining are the Liberals—and the leader who leads them has never been to Football Park and does not know that people can park their cars on the grass at Football Park. She is hardly an expert.

STORMWATER RE-USE

The Hon. S.W. KEY (Ashford) (14:35): Will the Minister for Water Security advise the house on the recent scientific advice regarding stormwater use?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:36): I thank the honourable member for her question and I appreciate her interest in these matters. There can be no matter of higher importance to any government than ensuring the safety of public drinking water supplies. The government is serious about understanding stormwater re-use quality risk factors and how they might be managed. This government has provided significant support, including through the Premier's Science and Research Fund, for research into aquifer storage, transfer and recovery.

This world-first research project has been undertaken at a site in the City of Salisbury in collaboration with United Water, the CSIRO, the City of Salisbury, United Water and SA Water, with technical support from the Department of Water, Land and Biodiversity Conservation and with support from the Adelaide and Mount Lofty Ranges Natural Resources Management Board. The project is also supported by the commonwealth government.

I am advised that state funding and in-kind contributions total approximately $535,000, which includes $350,000 from the Premier's Science and Research Fund. Furthermore, the total value of all contributions, including those from the CSIRO, the commonwealth government and United Water, exceeds $4.2 million.

Several reports have been published on this research project, and technical presentations on the findings were made to industry representatives on 28 September 2009. It is very clear from the research that wetland and aquifer storage, transfer and recovery, by themselves, cannot guarantee that the water will be of drinkable quality.

In fact, on 10 October 2009, Professor Peter Dillon, a leader in research into water recycling and diversified supplies at the CSIRO, wrote to me about this research project. In his letter Professor Dillon made the following very clear point:

> …we cannot say that we have produced water capable of use as mains water because the risk assessment for the potential hazards and the preventative measures to protect water quality have not been defined. The impacts of the recovered water on mains infrastructure has not been evaluated and the aesthetic qualities of recovered water in distribution systems have not been addressed.

Professor Dillon continues:

> The full range of options for stormwater use, including as non-potable supplies alone or in conjunction with recycled water and as drinking water via dams and treatment plants, all with and without aquifer storage, would provide a much firmer basis for government decisions concerning options.

The CSIRO's report of the operational residual risk assessment for the Salisbury stormwater ASTR project provides further valuable insights into risk factors. The report is publicly available. It indicates that two reference pathogens used in controlled evaluation studies, cryptosporidium and rotavirus, were relatively slow to die off in the aquifer and that post-treatment would be needed to manage the risk.

The report also comments on the other potential risks. Several of the points made by the CSIRO in its report include:

- The subsurface storage and transfer aspect of the ASTR scheme is not advanced enough to fully evaluate the residual risk from inorganic chemical hazards. This preliminary risk assessment suggests that there is a residual risk of iron exceeding Australian drinking water aesthetic guidelines unless further treatment is considered.

- The arsenic concentration in the ambient groundwater is sufficient to indicate a source of arsenic within the aquifer sediments that can lead to increased concentrations through managed aquifer recharge.
- There is potential for arsenic mobilisation during aquifer storage via two possible mechanisms.
- The results to date indicate that the risk is not well defined for arsenic but is unacceptable for iron based on the aesthetic water quality guideline value. There is little data available to assess the production of turbidity and impact on the quality of recovered water. The residual risk for turbidity cannot be fully defined without additional evaluation of the capacity of the aquifer as a treatment step for turbidity and particulates.

The report expresses a need for further research and investigative studies to identify and characterise potential hazards and to fill knowledge gaps. I have previously indicated to the house that there is currently insufficient understanding of the risk factors, and this is borne out by the CSIRO's research.

The quality of urban stormwater run-off from roads can be highly variable in quality. It can contain litter, silt, animal droppings and dissolved chemicals such as detergents, fertilisers, hydrocarbons and heavy metals. It could contain harmful micro-organisms such as bacteria and viruses. Urban stormwater can be highly variable in quality which makes the task of managing it challenging, especially for potential drinking water use. There may also be potential hazards associated with the storage of wetland treated stormwater in natural ground water systems which need to be properly understood.

The state government's Water for Good strategy articulates that augmenting public drinking water supplies with highly treated stormwater cannot proceed without appropriate understanding of the risk and confidence that they can be managed without the knowledge of significant net public benefits, especially when this type of recycling is compared to other available options such as continued use of stormwater for non-drinking purposes such as continued use of stormwater through 'third pipe' systems. There needs to be strong community support for the option.

The government is highly committed to capturing and using stormwater and using it for appropriate purposes. In Water for Good we have committed to capture up to 60 gigalitres the year of stormwater in greater Adelaide by 2050. Water for Good is informed by the Urban Stormwater Harvesting Options Study, undertaken by Wallbridge and Gilbert, which provides objective evidence of the potential for large-scale capture and storage of stormwater across Adelaide.

Water for Good actions to promote stormwater use include developing a master plan to manage stormwater in Adelaide effectively, continued support for world leading research to assess the potential for treating stormwater to a very high quality and monitoring of scientific developments and technological innovations. The government is a major contributor to stormwater harvesting projects underscored by South Australia's successful bid for commonwealth funding with $150 million for projects across metropolitan Adelaide. The state government has committed about $45 million to these projects which, along with other projects, will triple our stormwater harvesting capacity from the current 6 billion litres to more than 20 billion litres by 2014.

The commonwealth is also supporting projects with its contributions including: $20 million for Water Proofing the West Stage 1; $14.97 million for Water Proofing the South Stage 2; $9.6 million for the Playford Stormwater and Re-use project; $6.99 million for the Unity Park Biofiltration and Re-use project; $4.864 million for the Adelaide Airport Stormwater Scheme; $3.925 million for the Barker Inlet Stormwater Re-use Scheme project; and $2.935 million for the Adelaide Botanic Gardens First Creek Wetland ASR project. The City of Unley was also successful in receiving $2.558 million from the commonwealth to fund its own stormwater harvesting and re-use project.

It is worth noting that the response from South Australia to the Australian government's special call for stormwater projects was stronger than in any other state, with nearly half the total number of applications coming from South Australia. We lead the nation in stormwater and waste water recycling. Our projects very clearly demonstrate the state government's commitment to diversifying our water supplies from desalination (our climate independent source of drinking water) to recycle stormwater and waste water to provide a non-potable alternative and to reduce reliance on the River Murray. What we will not do is put the wellbeing and safety of South Australians at risk

by rushing blindly to introduce stormwater into our drinking water until we are certain that in doing so we will not compromise the quality of the water or endanger the health of South Australians.

ADELAIDE OVAL

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:44): My question is to the Treasurer. Is the $200 million from delaying the West Lakes tram extension and now directed into the Adelaide Oval upgrade proposal currently in the government's budget forward estimates and, if not, how can this money be saved and used to fund Adelaide Oval upgrades? The government infrastructure website states that the current program is to extend the light rail service to West Lakes by approximately 2015. According to the last two state budgets, there is no specifically identified funding allocation over the four years of the forward estimates for the West Lakes trams extension.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:45): Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —can I say, fancy the opposition questioning me about where the money is coming from. I have not gone out there and said that I am going to sell a billion dollars of land that does not exist.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: And I noted today that their idea of selling West Lakes land—Rod Payze, the Chairman of SANFL, made it very clear that they never ever will agree to sell their land; they want to long term lease it for development. So, all of a sudden—

Mr WILLIAMS: Point of order. The question was very specific. It was about where this money is. Is it in the budget or is it not in the budget?

The SPEAKER: Order! The member for MacKillop will take his seat. Yes, the Treasurer needs to answer the substance of the question.

The Hon. K.O. FOLEY: As I made it clear, and a lesson in budgeting now for the shadow, I really wish that you'd talk to Rob Lucas about this.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon: He wrote the question, apparently.

The Hon. K.O. FOLEY: He wrote the question, did he?

The Hon. P.F. Conlon: Yes, he did.

The Hon. K.O. FOLEY: Rob Lucas wrote the question for him! Not only is Rob Lucas doing all of the media, he is now writing the questions for him.

Mr GRIFFITHS: Point of order. I'm getting sick of this idiot rabble on about things that he doesn't even know about.

The SPEAKER: Order!

Mr GRIFFITHS: Talk about the specifics.

The SPEAKER: Order!

Mr GRIFFITHS: Is the 200 in the forward estimates or not?

Members interjecting:

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

The Hon. K.O. FOLEY: Thank you, sir. That was quite—

Dr McFetridge interjecting:

The SPEAKER: The member for Morphett!

Members interjecting:

The Hon. K.O. FOLEY: Glass jaw. Like jack-in-the-box—whoa! A big red nose. Now, sir—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Don't you like the way he leans forward looking very intently at me? When you schedule the forward estimates Treasury actually has forward estimates that go beyond the published forward estimates.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Yes, that's correct. She's learnt, and I am happy to have given something.

Mrs Redmond interjecting:

The SPEAKER: The Leader of the Opposition—

Mr Griffiths interjecting:

The SPEAKER: —and the Deputy Leader of the Opposition!

Mr PENGILLY: Point of order. Yet again, as yesterday and other days, the Treasurer referred to the Leader of the Opposition as 'she'.

The SPEAKER: It is not disorderly for someone to refer to another member by the third person pronoun. That is not disorderly; it is disorderly to refer to them by their name. The Deputy Premier.

The Hon. K.O. FOLEY: I apologise if I have given any offence to the member. When Patrick Conlon, the Minister for Infrastructure, initially brought to government, he—

The Hon. P.F. Conlon: Refer to me as he, if you wish.

The Hon. K.O. FOLEY: He. When the transport and infrastructure minister—

Members interjecting:

The SPEAKER: Order!

Mrs Redmond interjecting:

The SPEAKER: Order! The Leader of the Opposition!

The Hon. K.O. FOLEY: —brought forward to government the proposal for, I think, up to $2 billion for rail infrastructure, electrification, extensions, etc., it was one of those meetings where, I think—whoa! As you work through these things, what we have done with the rail electrification project, if we have a spreadsheet for that, when it first goes out, it is over a ten-year period. Okay? And you allocate—

Mrs Redmond interjecting:

The SPEAKER: The Leader of the Opposition has been warned once.

The Hon. K.O. FOLEY: I'm answering the question. And each year the appropriate funding each of those quantums of money are put in each of those allocated years, which do go beyond the published forward estimates. The reason you do not publish forward estimates beyond four years is because of the unknown factors of income, expenses, that occur further out. They are a less reliable set of published data for which you would be publishing with some risk.

But, in terms of committed expenditure, if you have a 10-year plan of rolling capital out, you actually have to properly allocate that for each of the years within which you expect it to be expended. What we have done with this project is that the $100 million that was on promise to the SANFL for AAMI was put out of the forward estimates into the out years, into the capital spend, that has been brought back in. The $200 million is allocated (I think it was in 2015)—

Mr Pisoni interjecting:

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

The Hon. K.O. FOLEY: I am really trying to answer this, but it is very difficult if they keep interrupting.

Members interjecting:

The SPEAKER: The Leader of the Opposition! Members on my left!

The Hon. K.O. FOLEY: The $200 million that is in the forward estimate period—

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss shouldn't talk to himself. It is a sign of madness. The Deputy Premier.

Mr Pengilly: I suggest you can't have one rule to yourself and one for everyone else.

The SPEAKER: The Deputy Premier.

The Hon. K.O. FOLEY: You're not suggesting I suffer from madness, are you?

Members interjecting:

The Hon. K.O. FOLEY: They didn't know how to answer that, did they?

Members interjecting:

The Hon. K.O. FOLEY: I had to get away. I had a bit of fun at my own expense. Don't tempt you? In relation to the $200 million for the rail program, the need for that corridor electrified is now delayed until such time as the SANFL is able to consummate an agreement with developers that meets the government's criteria for a transport oriented development zone and, if it does that, we will run the electrified tram network down to Football Park. We have put that out, delayed that by a further two years and brought that $200 million—

Mr Pederick: St Clair derailed!

The SPEAKER: The member for Hammond!

The Hon. K.O. FOLEY: I answered this in the press conference. That $200 million will also be brought into the forward estimates. The term of the net impact to the government's net lending position over a six year period will remain relatively as it is at present. There will be some budgetary impact. We are talking to the commonwealth, Kate Ellis, the federal minister, and even the Prime Minister, I understand, in discussions with the AFL, and they have at least indicated that they are prepared to consider a submission for up to $100 million on this which we will work towards.

There will be a best case scenario of a $50 million additional impact over the forward estimates. If we do not get $100 million from the commonwealth, there will be a $150 million impact over the forward estimates. All that capital is provisioned for; we have quite a tranche of unallocated capital that we can use. One point that I will say in conclusion: this is a $450 million commitment at most. It is at least half what it would be for a greenfield site and I would argue will deliver a better, more attractive and—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —workable football stadium that the football codes and the cricket authorities believe is in the best interests of their sporting future.

AAMI STADIUM

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:52): My question is again to the Treasurer. Treasurer, if you have been negotiating on this proposal for 18 months, why did you announce $100 million for AAMI Stadium 17 months ago?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:53): The question is: we announced $100 million for AAMI 17 months ago, but I was in discussions with the AFL 18 months ago. I think there are two possible scenarios here.

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call.

The Hon. K.O. FOLEY: Sir, there is an accusation that I have lied. If members wish to take a substantive motion, go right ahead.

Members interjecting:

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

The Hon. K.O. FOLEY: I think it was Andrew Demetriou, actually, or Ian McLachlan—I stand to be corrected—or myself. I think it was either Ian or—

An honourable member interjecting:

The Hon. K.O. FOLEY: I am trying to answer the question.

The SPEAKER: Order! The house will come to order. The Deputy Premier is answering the question. The Deputy Premier.

The Hon. K.O. FOLEY: The 18 months, I think, was used by Andrew. Maybe it was 17 months; maybe it was 20 months.

Members interjecting:

The SPEAKER: Order! It's not the last day of school yet. That's tomorrow. The house will come to order.

An honourable member interjecting:

The SPEAKER: The house will come to order. I should not have to get on my feet again. The Deputy Premier.

The Hon. K.O. FOLEY: Mr Speaker, I have been in negotiations for a long period of time, whether it is 18, 17 or 20—

Mr Griffiths interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I would not have thought that was such a major issue. I think it is 18, but if it was 17, 19, or 17 and three weeks, it is true that the issue of the $100 million allocation by this government towards AAMI did work as a catalyst for Andrew Demetriou to make initial contact with the Premier and me—

An honourable member interjecting:

The Hon. K.O. FOLEY: —hang on, you want an answer—and Ian McLachlan. The suggestion put—and I can remember meetings with the Premier and subsequent meetings that Ian McLachlan and I had, including having them in Melbourne—was this: if we are going to put $100 million into AAMI Stadium, which would also necessitate SANFL borrowing a substantial amount of money, and looking at the age of Football Park and the capital required over an extended period and the issues about falling attendances and complaints from TV stations about ratings and the conditions for media—Andrew Demetriou spoke to me and the Premier, and Ian McLachlan raised it—before that money is expended, should we not consider whether there is a better way to go forward?

Mr Pisoni interjecting:

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

The Hon. K.O. FOLEY: What we did in that situation was it was business as usual, that that money would be provided to the SANFL, unless this proposal that we had developed into a real deal. Now, discussions in the embryonic stages for the first six to 12 months were really kicking around ideas, options, possibilities and scenarios.

At the same time, the SANFL's position, quite clearly, was that they would continue to redevelop the home of football, Football Park. Yes, the global financial crisis came along. We had a substantial problem with our capital, and as I said at the time of that announcement, we deferred the prisons and we deferred Football Park beyond the forward estimates, quite a separate issue as to the discussions we were having with SACA and SANFL. It was about identifying lumps of capital that could be jettisoned as we went through the financial crisis—prudent budget management.

What occurred was parallel discussions between the various bodies, whilst the SANFL were still considering their options. When, of course, the $100 million was deferred indefinitely

because of the GFC, the SANFL stopped their planning for the extension of Football Park. If this deal had never been thought of or driven by the government and Andrew Demetriou—

Members interjecting:

The SPEAKER: Order!

Mr Venning interjecting:

The SPEAKER: The member for Schubert!

The Hon. K.O. FOLEY: —Footy Park would be refurbished. The sensible position the AFL took—they liked the idea of football in a city stadium—

Mr Williams: That's a revelation.

The SPEAKER: The member for MacKillop!

The Hon. K.O. FOLEY: Revelation! I have said it repeatedly. But the AFL thought it was a waste of money and they were not seeking a brand new inner city stadium when you had the best piece of turf—

Members interjecting:

The Hon. K.O. FOLEY: Have you ever been to Adelaide Oval, by the way, leader?

Mrs Redmond: Absolutely.

The Hon. K.O. FOLEY: You have? You have been to Adelaide Oval.

The Hon. P.F. Conlon: She must be a dancer; maybe a rave party?

The Hon. K.O. FOLEY: The Leader of the Opposition goes to rave parties but she has never been to Football Park.

Mrs Redmond: What has that got to do with the question?

The Hon. K.O. FOLEY: Just your priorities. The reality is that we as a government brokered and assisted a series of discussions over a protracted period. Whether it was 17, 18 or 19 months, I cannot be certain, but it was around that time line.

AAMI STADIUM

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:59): I have a supplementary question. Treasurer, was the $100 million announced for AAMI Stadium made in good faith after a period of extended negotiation with the SANFL or was it just a publicity stunt?

The SPEAKER: The question is out of order. The member for Light.

INTERSTATE RAIL TERMINAL

Mr PICCOLO (Light) (14:59): Is the Minister for Transport aware of a range of views in relation to moving the interstate rail terminal to Adelaide and can he explain some of those views?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:00): I can, because with this latest proposal of the opposition to move interstate rail—of course, it may be the last remaining piece of its west park vision as its stadium sinks into the Parklands—we finally know who they are building the stadium for, because apparently the cricket and footy is going to Adelaide Oval. They are building it for dead baseballers. What you can do at Adelaide Oval is watch the footy and the cricket; if you go to their stadium you can watch 'Shoeless Joe' Jackson—of course, only if you're a believer.

The Hon. K.O. Foley: Build it and they will come.

The Hon. P.F. CONLON: No talking to the football, no talking to the cricket; if you build it they will come. Well, I am afraid they are not going to come. Maybe they are going to start their own football team. Get Malcolm Turnbull to coach it, then Port would win some games. The last remaining part of their harebrained scheme, of course, is the transfer of interstate rail to Keswick. This idea has been around for some time. In fact, Di Laidlaw first started pursuing this in 1998, and this is what she said in estimates:

> I am very keen—and I believe that most South Australians would back me in this—to seek to have the interstate passenger trains come back to Adelaide Railway Station.

She did something, though, that the Leader of the Opposition should have paid attention to. She said:

> I have to acknowledge that I feel quite emotionally involved in the concept of bringing the trains back, but a decision will not be made on emotion alone. It will be based on cost benefit and an investment return.

That was, as I said, in July 1998. She did then have those investigations. She did what a prudent person would do—not a reckless person, a prudent person. So, by December 1999 what were her views, because she did do the report 10 years ago? Apparently the trains have got shorter or something in the last decade. Here is what she said after doing those investigations, after actually getting the experts to have a look at it twice. And she was very keen; she was emotionally attached. This is what she said about the proposal in December 1999, 'Absolutely unrealistic.' Her reasons:

> The extension of the Adelaide Convention Centre would place such a terminal so far from King William Street that it would create not solve connection problems. The North Terrace train station platforms can't cater for one kilometre long, 27 carriage interstate trains.

I do apologise, because yesterday I said that the trains were 800 metres. I am now advised that they are not one kilometre: they are up to 1.1 kilometres. I can also point out that they do not add freight to the Darwin line, not that it makes any difference. They are 1.1 kilometres long. Now, what else did she say? She said:

> Any redevelopment of the platforms would require digging into hectares of the northern Parklands...

and lastly—

> ...the long trains when arriving or departing in peak hour would create commuter chaos.

It sounds familiar. It is what we told you yesterday. It is what everyone who has ever looked at it tells you. It is utterly impossible. It is simply another example of the utter recklessness of the Leader of the Opposition and her team. She was on the radio just three days ago asking people why we source our trams from overseas. She told them that they build trams at Islington and take them to Melbourne. I do not know why she would make that up, unless she is incredibly badly informed.

I can say that the last trams built in South Australia were in 1952. In the immortal words of Maxwell Smart, 'Missed by this much.' The last trams made in Melbourne were in the 1980s. How can the Leader of the Opposition go on the radio and tell people things that are not true unless it is, of course, that she does not care and does not know? How can she tell people what is good for football and cricket when she has never spoken to them—never been to the football?

Can I just advise the Leader of the Opposition about her concerns about winter parking. Not only do they do it at Football Park, but I am reliably advised that they do it at the MCG with a slightly higher winter rainfall than Adelaide has.

What is absolutely clear is that this is the greatest cargo cult, pig in a poke hoax on the people of South Australia. I invite the Leader of the Opposition to take me in her chauffeur-driven car up to Islington and show me these trams they are building. This is a tremendous illustration of the utter lack of respect for any quality of work.

I repeat: Di Laidlaw, emotionally attached to it, looked at it and then told people that it was utterly unrealistic. What I urge the Leader of the Opposition to do is actually to look at it unemotionally and honestly and then tell us whether it is realistic; if she thinks it is realistic, show us the plans—just show us the plans.

LIE DETECTORS

Mr WILLIAMS (MacKillop) (15:05): My question is to the Premier. Why has he changed his view on lie detectors in the last 10 years?

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: In February 1997, the leader of the opposition, and now Premier, told parliament that the veracity and integrity of the government needed to be tested over the issue of a leaked water contract. He said that this was not an issue that could be tested by the Speaker as it was a test for a polygraph or a lie detector. What has changed, Mr Premier?

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) (15:06): It is about as good a test as a Taser.

Members interjecting:

The SPEAKER: Order!

COURT PROCEEDINGS

Ms CHAPMAN (Bragg) (15:06): My question is also to the Premier. Will he advise why matters—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Transport!

Ms CHAPMAN: —thank you, Mr Speaker—which, according to the Premier, are before the courts in South Australia are any different from matters which are before the High Court? Yesterday in the house the Premier commented extensively on a matter which is before the High Court, yet he continues to refuse to comment on other matters and continually refuses—

The Hon. P. Caica interjecting:

Ms CHAPMAN: United Water. Do you want me to list them?

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: He stated that matters are before the courts.

Members interjecting:

The SPEAKER: Order! The Attorney.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:07): Well, it is very plain to everyone; that is, there is much greater risk of prejudice in a criminal case than there is in a civil case.

COURT PROCEEDINGS

Ms CHAPMAN (Bragg) (15:08): As a supplementary question—and I am happy to address it to the Attorney-General or to the Premier—will he explain the difference in relation to civil proceedings between the Supreme Court in South Australia and the High Court?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:08): A constitutional case concerning relations between the states and the commonwealth, concerning the Commonwealth Constitution, is inherently a matter of public and political interest.

Ms Chapman: Like bikie legislation.

The Hon. M.J. ATKINSON: Indeed, that's right, and there is a difference between that and criminal matters, which in some cases are heard by juries, and the juries might be prejudiced or it might involve a substantial abridgment of the rights of an individual. We try not to prejudice a case so as to harm a particular individual.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: I know that the Leader of the Opposition thinks that Paul Habib Nemer should never have spent a day in gaol and has told the house that, if she had been attorney-general, there would have been no appeal against the suspended sentence in the Nemer case. It is on the record and it is in the Heysen newsletter. The member for Bragg appears to be suggesting that, when a major constitutional challenge is taken, we should not talk about it. I do not agree.

BRIBERY INVESTIGATION

Ms CHAPMAN (Bragg) (15:10): My question is to the Minister for Transport. When was the minister first made aware of the police investigation in respect of bribery being conducted into his department?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:10): What did that show say: 'How does that member get it so wrong?' I saw her comments on this the other day, when she implied that some matters in the Auditor-General's Report that I had answered were not accurate because these were the matters being investigated by the police. That is utterly, utterly wrong; completely—

Ms Chapman interjecting:

The Hon. P.F. CONLON: That is what you said on the Leon Byner show. We read it. I will go and ask the chief executive of the department when he first gave me a briefing on it, just so the member understands. There is something else she had not got right, and I will come to that at the conclusion.

What happened was that the TRUMP system that she so happily criticised in here had provisions in it that were able to detect an anomaly if it occurred. I think, from memory, the anomaly was about $15. I do not have the exact details on this, and I will come to the reason for that at the end. That anomaly—a very small one—was detected by the system. Our people investigated it and were concerned—or the people in the department were, and then passed it on to the police. The police then conducted a thorough investigation. They briefed our chief executive and, as I understand it, we cooperated fully with them, and then they concluded an extremely successful investigation.

This is what was said by the member for Bragg, that when we were talking about the Auditor-General's Report we should have disclosed the police investigation. Of course, the police said, 'Don't do that, because we would like to catch all of these people. We would like to catch them all.' So, the system worked and identified the anomaly—144 charges. Basically, we did what the police asked, and I think the facts show that what we did was absolutely correct.

As I said, I will find out for the member precisely when the chief executive first told me, but I would not have been the first person he told, because the last thing she got wrong was that these are employees of Services SA, not the department of transport. They are not transport employees: they are employees of Services SA under the responsibility of minister Gago in another place. I assume she might have been told before, but I do not know. However, I will check for the member.

For the member for Bragg to suggest that what she would have done if she were a minister is ignore the police and come into this place and say, 'I don't care what the police say. I'm going to tell everyone all about it and bugger up the police investigation,' all I can say is: what a grotesquely irresponsible individual.

BRIBERY INVESTIGATION

Ms CHAPMAN (Bragg) (15:13): Mr Speaker, I have a supplementary question. If this matter was raised as a result of an anomaly that was detected, as the minister just indicated, why were three separate investigations undertaken and reported on in three separate Auditor-General's reports on the operation of TRUMPS before this alleged anomaly was detected?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:13): Once again, the member does not go so far as to mislead this place, but she has certainly been misleading in the public forum. These have nothing to do with the matters reported in the Auditor-General's Report. Let me give you my unequivocal statement. The advice that I have been given clearly and unequivocally is that these have nothing to do with those historic matters referred to in the Auditor-General's Report. It cannot be clearer than that. If the member wants to persist in making things up, like the Leader of the Opposition does, I cannot help her.

Mrs REDMOND: Sir, the Minister for Transport just accused me of making things up, and I take offence at the statement.

The SPEAKER: The Minister for Transport.

The Hon. P.F. CONLON: Sorry, sir. I think when you tell people that they make trams at Islington—and they have not made a tram in South Australia for 52 years—you are making things up.

The SPEAKER: Order! The member for Hammond.

MURRAY RIVER BRIDGES

Mr PEDERICK (Hammond) (15:14): My question is to the Minister for Transport and Minister for Infrastructure. Are any bridge structures below Lock 1 under threat of collapse as a consequence of falling river levels and, if so, what action is the government taking to preserve their structural integrity?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:14): I am trying to remember a report I had on a bridge structure on which we are doing some work. I would think we advised you about it. We are doing some work on a bridge structure where, I understand, one of your constituents has been camping on our land for some time and might have to be moved. We had some involvement with you on that matter, didn't we?

Mr Pederick interjecting:

The Hon. P.F. CONLON: These are serious matters—

Mr Pederick interjecting:

The Hon. P.F. CONLON: Before we start frightening people, I am quite prepared for you to have—

Mr Pederick interjecting:

The SPEAKER: I am happy to give the member for Hammond the call to ask another question; he does not have to yell out.

The Hon. P.F. CONLON: It has been a painful day for the opposition. We should show them some tolerance.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: We are building an 80,000 seat stadium with 13,000 car parks. I love the comment that it is all right to fix up footy and cricket, but the opposition spokesperson said, 'What about the soccer? They haven't got facilities.'

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I thought they built Hindmarsh stadium, sir. It is like a religious confession.

The SPEAKER: Order! The Minister for Transport is now off the question.

MURRAY RIVER, RIVERBANK SLUMPING

Mr PEDERICK (Hammond) (15:16): My question is to the Minister for the River Murray. Has the government considered that, when river levels ultimately rise again between Lock 1 and Wellington, the extensive rehabilitation work carried out along the Lower Murray irrigation swamps is at serious risk of collapse? We are informed that the levy banks were not designed to be dry in that reach of the river. They have dried and have extensive cracking, so much so that they will not remain intact as water levels rise.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:17): I thank the honourable member for his question, particularly as he has been informed by us about this matter. He is reliably informed by the government in relation to the matters we are dealing with below Lock 1. There are substantial issues in relation to riverbank slumping below Lock 1. Consultants SKM are doing a considerable amount of work on the risks associated with riverbank slumping. A task force of community and government officials is being led by Dean Brown to look specifically at those matters. It is the government that is informing the community about the problems we are facing.

GRIEVANCE DEBATE

LIBERAL PARTY INITIATIVES

Mrs REDMOND (Heysen—Leader of the Opposition) (15:17): I saw the most wonderful quote in the paper this week from the Minister for Transport. He said:

A bad government sitting every day of the week is still going to be a bad government.

How right he is! This is a bad government. It is a bad government lacking any vision for this state and it is a government that is tired, arrogant and out of ideas. This government has got so many internal problems at present that its only concentration is what it can say next to try to win an election on 20 March.

It has followed us already and played follow the leader on desalination. I thank the former leader, the member for Davenport, for having a vision for South Australia and recognising that in this state it would be sensible to have a desalination plant to protect us against a failure of rainfall. I thank the member for Davenport.

The Hon. M.J. Atkinson: Why did you bring him down?

Mrs REDMOND: I did no such thing.

The Hon. P.L. White: You voted against him!

Mrs REDMOND: No, I did not: check your facts. Then we had great ideas about stormwater. Today the minister almost got into the 21st century by recognising that stormwater capture and re-use will be the way of the future. This government has been in denial about it for a long time. Finally, they have got to the point of deciding to follow us on that, as well, except they will not yet recycle and re-use stormwater.

They are still thinking that we have to capture it and reuse it but not make it into something that can be put into the reservoirs. As we on this side of the house know, water in reservoirs is actually stormwater. Where do you think it came from? How does it get into rivers? How did it get anywhere? It fell; it's stormwater. So, this government has followed on that. Most recently, of course, we were urging them for some time to give us some easing of water restrictions. They kept saying, 'No, we can't ease the water restrictions' but suddenly, finally, they played follow the leader again and we had the easing of water restrictions.

Then we get onto Tasers. This government remained for some reason implacably opposed to the use of Tasers by our police force but suddenly, in the past couple of weeks, they have decided they can follow us on that yet again. Actually, we could save a lot of time if you guys just moved over here and let us have the ideas in the first place.

As to the Magill Training Centre, we have argued long and hard that there needed to be a change, that the Magill Training Centre had to be removed. The juvenile justice select committee reported on that over five years ago. One of its recommendations was that it needed to be replaced urgently. The government ignored it until we, with the benefit of public pressure on the issue, were able to persuade them that that was something we needed to do, and now today we have the government trying to get out of the position it has found itself in because we had the vision to announce a new direction for Adelaide.

We have explained why our hospital is better left where it is, and there are very good reasons for leaving that hospital where it is. We have some exciting ideas about the future of this state and this city and how to make those old rail yards into something for all South Australians to be proud of. We have a vision, and we know that the Adelaidenow website was running at something like 83 per cent our way, and that is the only reason this government has come out with this half-baked cobbled together idea that they have now suddenly got an answer to all the problems.

Their historic agreement is nothing more than a memorandum of understanding which is not going to be any sort of agreement until July next year by which time we, on this side, will be sitting on that side, and we will have a much better vision for the future of this state.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: It is a half-baked idea. It fails to address a lot of the fundamental issues such as car parking. A couple of days ago the Treasurer was out there trying to pick a fight over the number of car parks in our proposed vision and here he is proposing this 50,000 seat stadium. How are people going to get there? They are going to park here with no increase in parking here, walk across a new bridge in the winter or park on the Parklands. Do you think the Parklands people are going to like that? There will be no roof for the stadium.

Time expired.

KAURNA LANDS

Ms BEDFORD (Florey) (15:23): I acknowledge we meet on the traditional lands of the Kaurna people and my contribution today concerns Kaurna settlement on the land we know as the suburb of Tea Tree Gully in the council area of the City of Tea Tree Gully. The exact place I am referring to is in the electorate of my friend and colleague the member for Newland. The area known as Pine Park has been of interest to me for many years because of its proximity to my favourite garden and plant nursery, Newman's Nursery, and the historic settlement of Tea Tree Gully which dates back to 1839—three years after proclamation of the state.

The Tea Tree Gully National Trust cares for the old Highercombe Hotel Museum, which is beside the old Dunn's store, now a beautiful Indian restaurant. The old flour mill, now the Fox and Firkin Pub, is on the north-eastern side of Dunn's store which for many years was the North-East Highway Restaurant—the venue for many celebrations for north-eastern families. These premises are close to the Tea Tree Gully Hotel, a site used by travellers for refreshments and coach companies to change their horses.

Up a little on the Haines Road side is the site of the old council chambers, one of the oldest in the state, as the council was one of the first established. In 2002, with the help of the local Kaurna people, a scar tree was identified in Pine Park, a verdant strip of land between the Tea Tree Gully Hotel and Newman's Nursery. Newman's Nursery was originally the summer home of Archdeacon Farr, who was the husband of Julia Farr after whom the Julia Farr Centre was named.

Nearby stone quarries had some of the highest quality stone in the state and it was used to dress state buildings such as the GPO, the Town Hall and parts of St Peter's Cathedral. Angove Scrub, I believe, is the last remaining remnant untouched native vegetation in Adelaide. Nearby Anstey Hill provides wonderful bushwalks and spectacular views across the plains to the sea. These views are a significant pointer to the importance of the area for Kaurna people, as Tea Tree Gully was one of only two spots where the Kaurna could come through the hills on their way to the summer camps, the other being Glen Osmond Road.

With the help of Heather Burke and Alice Gorman from the Department of Archaeology at Flinders University, three students—Rani Attwood, Jo Thredgold and Ollie Spiers—have worked on projects, giving us a tremendous amount of new information. We now know that two of the eight Kaurna groups used Tea Tree Gully as permanent settlements.

The now unfortunately dead double scar tree grew beside a permanent water source of very high quality, which we believe was the first piped water in the settlement of Adelaide. There are many other attractions within walking distance of Haines Park, a triangular grassed area in front of Tea Tree Gully Hotel. With the assistance of the students, we hope to develop a brochure emphasising the use of that other great north-east icon, the O-Bahn, which will collect and deliver people to the historic precinct, ensuring a relaxing day for all.

A working group will soon be called together and, all being well, we should see an exciting program of events scheduled early in 2010, showcasing this area for the benefit of all. This work has been possible through the efforts of the Florey Reconciliation Task Force. In particular, I would like to thank Lea Crosby, whose initial work with the task force some eight years ago encouraged us to continue. Many other people were involved in the task force over the years, and some of those people are now returning after some time as we are looking to get this project off the ground.

In closing, I would like to thank my staff, Wendy Herbert, Victoria Pollifrone, Lea Crosby, Gary Lockwood, Marlene Fenwick, and our new trainee, Gabi Prideaux, who recently replaced Adreena Ghislandi, for their help and work. I look forward to working with them as we represent and serve the people of the electorate of Florey.

I would also like to take this opportunity to thank Parliament House staff, particularly chamber staff, Hansard, and our great friends in the library for all they do. I wish everyone a safe and happy festive season. In doing so, I extend every good wish to retiring members in this house and the other place, especially the members for Little Para and Taylor. I wish them very well in all they do, and I hope to see them. Don't be a stranger!

INDEPENDENT COMMISSION AGAINST CORRUPTION

Ms CHAPMAN (Bragg) (15:27): My contribution today relates to the fact that tomorrow is the anniversary of the introduction of the ICAC bill by the former shadow attorney in which she called upon the parliament to provide support for a bill to establish a state ICAC—

The Hon. M.J. ATKINSON: Point of order. I was under the impression that either a bill or a motion was on the *Notice Paper* about this very matter. Therefore, the member for Bragg's contribution to the grievance anticipates debate on an order of the day.

The DEPUTY SPEAKER: I note the point of order, and simply point out that it is in order as long as the member does not canvass the bill itself. The member for Bragg.

Ms CHAPMAN: The government has consistently, to date, refused to introduce a bill to establish a state independent commission against corruption or, indeed, an independent commission against crime and corruption. There has been some history in the parliament through members in the other place and here in this house for the establishment of an independent commission against corruption, but this government, in particular the Premier and the Attorney-General, continue to claim in media outlets that we do not need one because our existing measures are adequate.

They cite the need for the Auditor-General, the Ombudsman, the Anti-Corruption Branch and the Government Investigations Unit, but I just wish to point out to the house that the Auditor-General, of course, plays a very important role—he reports to this parliament annually and can provide supplementary reports, as he did today—and what is important here is that, of course, that can only be useful if the Auditor-General knows what is going on.

We have had examples just in the last few months where the Auditor-General has not been kept informed of matters. One which springs to mind is the government's loss of the USB file containing the biggest single infrastructure project ever in the history of the state, according to the Premier. Yet, on the information about this, there was no provision of that information during the relevant time period and only in a footnote in this year's period is there any recognition of that.

When ministers are asked whether they or members of their department have referred any of these matters, including the Attorney-General, the Minister for Health and the Treasurer, on that instance, none of them could confirm to the house any reference of that issue. The Ombudsman admits in his own annual report that he does not have the power to deal with matters of corruption. I would urge the government to again review the Ombudsman's annual reports, particularly this year's.

The Anti-Corruption Branch of South Australia Police is an important unit which deals with criminal matters of this nature. However, clearly, it is confined to an investigation unit for the consideration of criminal prosecution and that raises questions of standard of that inquiry and the extent of it.

The Government Investigations Unit, which is a component of the Crown Solicitor's Office, is not an office that could be described as independent. In fact, quite clearly it is an office that has the charter legislatively to provide advice to government and has a relationship with government, an obligation and responsibility to it to provide those services.

There is a question raised about whether we just have Caesar reviewing Caesar, and if ever there was an example of how inadequate that process is, one has only to look at the Randall Ashbourne affair, which has been documented in this house and I will not repeat it. An independent commission against corruption will be independent. There are clearly precedents in other states for that to be done.

The Hon. A. KOUTSANTONIS: Point of order: now the member for Bragg is canvassing the merits of the bill.

Ms CHAPMAN: No I'm not.

The Hon. A. Koutsantonis: Yes you are.

The DEPUTY SPEAKER: Order! The member will not canvass or anticipate debate on the bill. The member's time has expired. The member for Taylor.

WHITE, HON. P.L.

The Hon. P.L. WHITE (Taylor) (15:32): In March this year, I announced that, after 15 years as the member for Taylor, I would not be renominating and so will retire on 20 March with tomorrow being my last day in parliament. I will, of course, miss this place. I will miss the institution of parliament, working within these walls.

Ms Chapman interjecting:

The Hon. P.L. WHITE: I will miss you too, but most of all I will miss the members, staff and characters in it. I have served in four parliaments, half in opposition and half in government. My first term was in a small opposition team of 11 members, with our party very definitely on the nose. The second term had the thrills and instability of a minority then Liberal government. In the third term I was a government minister and, in this term, a backbencher, with the time to focus and the accumulated skills to know how to best get things done. I could not have designed a better parliamentary experience and, indeed, my advice to those contemplating a political career is to start when your party is low and end when it is on a high, which I have done.

I entered parliament in 1994 in a by-election some months after Labor's trouncing in the State Bank election. Dean Brown was the premier at the time, and Alexander Downer was the opposition leader sparring with prime minister Paul Keating. We in the state Labor Party were at the lowest ebb of our political fortune and everyone was saying that it would take three terms for us to be within striking range of government.

Those were tough days but full of wonderful life lessons. It was a humbling time that made me a tougher, more determined politician than I otherwise would be. As my friend Lea Stevens knows, as she was in the health portfolio and I was in education, which were Labor's priorities at the time, we were a small team of only 11. Most us had never been in parliament before, let alone government, and so we did not have that experience and we were thrown in the deep end. And there began thousands of 'Labor Listens' meetings, rallies, forums, media stories and pieces of correspondence to build our credibility and develop new policies.

I have seen the reign of six Liberal leaders but served under only one Labor leader. In those early days what we did have was Mike Rann, and, while the media ridiculed and criticised, Mike expertly modelled for us the art of politics and the discipline it takes to succeed. We were not expected to come even close, but, with a 10 per cent swing, almost won that first election in 1997, and then made it in 2002.

I gave birth to one son in opposition (my clever sweet Thomas) and one in government whilst a minister (my beautiful Jamie). I have married, divorced and re-partnered with my darling Joe, and have added a stepdaughter to my life. I have had three stalkers, several death threats, but also the most generous plaudits and some of the warmest moments of my life.

I have been from the frustration of opposition to the joys of delivering as a government minister, and I have made many precious friends in my colleagues on both sides of the house. None of this would have been possible without my electors, whom I thank for returning me each election with an increased majority, but, more importantly, for keeping my feet on the ground. None of this would have started without the honour paid me, or the faith placed in me, by my party, the Australian Labor Party and, in particular, the right wing of it, Labor Unity.

There are many I must thank, not the least of whom are my personal staff (whom I will thank more personally than this), but I will mention just a couple: Mick Atkinson for the initial approach to run for parliament and Senator Don Farrell for his continuous and generous support of me. He has been a great role model of integrity in a tough business. To my political teacher, Mike Rann, who has modelled so well the art of imagining the best outcome, being hungry for your goals, and disciplined and focused in your endeavour, I thank him for the invaluable lessons and the opportunity to be part of the first Rann government.

It is often said that your best day in opposition is nowhere near as good as your worst day in government, and I think that is true. The privilege to serve as a government minister, as I have, and to represent one's region, one's state and one's country as I have in various fora is without parallel. I am proud of my political career and achievements, and I am proud that I have served as a Labor member. I thank my colleagues and my party for that opportunity and I wish all associated with the institution of our parliament and those members and staff who make up its character long, happy lives. Thank you.

Honourable members: Hear, hear!

The DEPUTY SPEAKER: For the record, the member's contribution was noted with out-of-order applause not noted by the presiding officer at the time.

DESALINATION PLANT, EYRE PENINSULA

Mrs PENFOLD (Flinders) (15:38): I am devastated, once again, to have to raise the awareness of the house to the shortsightedness, ineptitude and wastefulness of SA Water and this government when it comes to providing water for Eyre Peninsula. Yesterday, not the minister or the

water commissioner, or even the executive officer of SA Water, but the chief operating officer, John Ringham, put out a media release titled 'Potential sites identified for Eyre Peninsula's desalination', without any indication of the price, quantity or time frames. The government appears to be embarrassed and in hiding, and with good reason. The release stated:

> SA Water has identified three potential sites to construct a desalination plant to help provide a secure drinking water supply for Eyre Peninsula.

We have since been told that it should be in place 'at least by 2014'—12 years after the original Eyre Peninsula desalination plant was promised by this government and after millions of dollars have unnecessarily been expended. What a joke!

To add to this extensive, expensive exercise, Mr Ringham said that they have fast-tracked investigations and identified these sites for environmental assessment and further community engagement, adding there is still significant work needed before a final site can be chosen. So, what we actually have is yet another inadequate, shortsighted plan. Forgive me for being cynical, but this is simply more talk, smoke and mirrors, following years of investigations, reports, seminars, plans and audits. Water for Eyre Peninsula—or more specifically concerns about diminishing water resources—has been on the agenda for a long time, and now Polda, Robinson and some of the southern basins are overdrawn.

In 1998 we had Spencer Regions Water Futures. In 1999 we had the State Water Plan draft for consultation, and in 2000 we had a water allocation plan for the southern basins. In 2001 a water allocation plan was adopted and we had the first interim report of Eyre Peninsula's Water Supply Master Plan. In 2002 a desalination plant for Eyre Peninsula was announced, with the Tod Reservoir pilot plant study. We had the second interim report, a water summit at Wudinna and then the Streaky Bay water supply augmentation project's final report.

In 2003, minister Weatherill told ABC Radio that a desalination plant was 'written in blood'. A $2 million trial desalination plant commenced at Tod Reservoir. There was another water summit, this time in Port Lincoln; and we got the Eyre Peninsula Water Supply Master Plan. The year 2004 gave us the Eyre Peninsula Catchment Report, and in 2005 the government announced $48.5 million to build a pipeline bringing River Murray water to Eyre Peninsula.

Augmentation fees were charged to Coffin Bay developers without knowing the condition of that basin, and the Public Works Committee's minority report on the Eyre Peninsula water supply upgrade. We then had a feasibility study into Coffin Bay lens, and the Eyre Peninsula Catchment Water Management Plan draft for public consultation. In 2006 we had the water audit for Eyre Peninsula, in 2007 a National Plan for Water Security, and in March yet another water summit in Port Lincoln.

December 2008 gave us SA Water's long-term plan for the Eyre region. This year SA Water announced that it is working on a water security strategy for Eyre Peninsula. Level 3 water restrictions are applied after being told we would never need water restrictions. SA Water investigates a number of locations that may be suitable for a desalination plant, and South Australia got its Water for Good plan released with great fanfare—all ahead of yesterday's 2.5 gigalitre ($150 million to $200 million) Eyre Peninsula desalination announcement.

From what I know (and I do profess to know something about the water situation on the Eyre Peninsula), yesterday's announcement is way too little, way too late. It is just another promise in a long line of broken promises. To add insult to injury, assertions that locating the plant on the Lower Eyre Peninsula will provide the best possible outcome for the whole region is simply rubbish. SA Water's release states that it will provide drinking water. There is certainly no provision for expanding population, agriculture, mining industries or future value-adding of our products.

As Mayor Peter Davis might say, blind Freddy knows that Eyre Peninsula is poised for a mining boom. One could safely assume that we will need just a little more water in the future for new employees and their families, for processing and for value-adding. Of course, you may ask: why on earth would SA Water want to get into the business of making money for the state by providing water for mining industries? Apparently that is not its core business. I scratch my head and wonder.

Here we have a state-owned monopoly that will not even try to build its business and its profits to provide water to the biggest new customers of their product.

Time expired.

TOBACCO CONTROL

The Hon. L. STEVENS (Little Para) (15:43): Over the last month, leading up to retiring from this place, I have been asked by a number of people which things I am most proud of and which I have had a part in achieving. I have been giving this some thought, and one thing is that I am now able to walk into Grand Central—the home of the Doggies—in Elizabeth and breathe easily. I recall very clearly—and you were involved, of course, Madam Deputy Speaker—the process leading up to the 2004 legislation that I introduced banning smoking in all workplaces, including pubs and clubs—no exceptions and no exemptions.

At the time not only was it a public health issue but also it was an immediate and urgent occupational health issue. The legislation also introduced a wide range of measures to protect children from tobacco advertising and other inducements to take up smoking. At that time the legislation put our state at the forefront of tobacco control in Australia. In 2006, minister Gago in another place added further measures, which included a ban on flavoured cigarettes and a ban on smoking in cars with children under 16 present.

When I read a recent news release from the current minister for substance abuse, I was enormously pleased because the Hon. Jane Lomax-Smith announced that, according to the findings of the Australian Secondary Students Alcohol and Drugs Survey, South Australia has recorded its lowest rate of smoking amongst school students since 1984.

The survey showed a significant drop in the smoking rates of secondary school students aged 16 and 17 years, with only 8 per cent reported as current smokers in 2008, compared with 15 per cent in 2005. It also showed that three-quarters of students aged 12 to 17 reported that they had never smoked and that 5 per cent of students reported smoking in the past week in 2008, compared with 7 per cent in 2005.

At the end of her press release, the minister included a table that showed that smoking rates among young people from 1984 to 2008: in 1984, it was 24.3 per cent; in 2002, it was 13.8 per cent; in 2005, it was 7.4 per cent; and, in 2008, it was 4.9 per cent.

So, I congratulate all of us, particularly the Rann government, for making this a priority and for taking action in legislation to put in place laws that have led to this decrease in the take-up of smoking by young people. In fact, it is part of the Rann government's Strategic Plan to make these positive changes.

When I received the news release, I made some further inquiries from the minister's department to get further background on the measures it thought had directly contributed. I was told that the increase in activity over recent years—through the smoke-free legislation, the Quitline, the focus on the parents of young people to get them to stop smoking and the point-of-sale changes—combined together has been the reason for the decrease, so I congratulate all those concerned.

A key finding was also that overall student knowledge of tobacco related adverse health effects was higher in 2008 and that almost two-thirds of students reported receiving at least one lesson about smoking in the year prior to the survey, so I congratulate the education sector on the work it does in relation to smoking cessation. However, there is still work to do with some groups, such as indigenous people, people with a mental health issue and people with a drug issue, and it is something we still need to address.

Time expired.

STATUTES AMENDMENT (CHILDREN'S PROTECTION) 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 12, page 6, line 30 [clause 12, inserted section 99AAC(2)(c)(ii)(b)]—Delete 'and' and substitute:

or

No. 2. Clause 12, page 6, after line 30 [clause 12, inserted section 99AAC(2)(c)]—After subparagraph (ii) insert:

(iii) the Court is otherwise satisfied that it is not in the best interests of the child for the child to reside with the defendant; and

No. 3. Clause 12, page 7, lines 17 to 25 [clause 12, inserted section 99AAC(5)(b)]—Delete paragraph (b)

No. 4. Clause 12, page 7, after line 29 [clause 12, inserted section 99AAC]—After subsection (5) insert:

(5a) If the Court has made a restraining order under this section, the Court may also, subject to any current proceedings before, or orders of, the Family Court of Australia or the Youth Court, make orders providing for the temporary placement of the child (pending, if necessary, proceedings before either of those courts)—

(a) subject to paragraphs (b) and (c), into the custody of a guardian of the child; or

(b) if the Court is not satisfied that placement of the child with a guardian is in the best interests of the child, or if such a placement is not possible or appropriate—into the custody of such other person as the Court directs; or

(c) if the Court is not satisfied that placement of the child with a guardian or some other person is in the best interests of the child, or if such a placement is not possible or appropriate—into the custody of the Minister (for a period not exceeding 28 days) and the care of such person as the Chief Executive, or the Chief Executive's nominee, directs.

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

MAGISTRATES COURT (SPECIAL JUSTICES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

DEVELOPMENT (CONTROL OF EXTERNAL PAINTING) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

SPENT CONVICTIONS (NO. 2) BILL

The Legislative Council agreed to the bill without any amendment.

SITTINGS AND BUSINESS

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (15:51): By leave, I move:

That standing and sessional orders be so far suspended as to enable the consideration forthwith of Notices of Motion, Orders of the Day, Private Members Business in relation to committee reports set down for today.

The DEPUTY SPEAKER: A quorum not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

NATURAL RESOURCES COMMITTEE: MURRAY-DARLING BASIN NATURAL RESOURCES MANAGEMENT BOARD

Mr RAU (Enfield) (15:54): I move:

That the 29th report of the committee, entitled South Australian Murray-Darling Basin Natural Resources Management Board Levy Proposal 2009-10, be noted.

Today I am moving the noting of the 29th report of the committee, which is one of the annual reports that the committee produces in relation to the annual review of NRM levies. As members might be aware, these levies come before the committee once a year. The committee's role is to review the levies if they are requesting an increase in excess of CPI.

If they do not seek an increase in excess of CPI, then the committee has no role other than to note the proposal. However, if they do seek an increase in excess of CPI, the committee has a role to examine the levy request to see whether the committee is comfortable with it, and if the committee is uncomfortable with it to make appropriate recommendations for amendment of the levy proposals.

Over the years the committee on a number of occasions has decided to refer these proposals back to the relevant minister or the board, with suggestions how the levy proposal might be structured in an alternative way. The reasons for this have varied from time to time. Sometimes it has been because the committee has formed the view that enough consultation has not occurred

leading up to the proposal. On other occasions it has been because the proposal is so far in excess of the CPI that the committee, quite frankly, cannot see any justification for the increase being allowed to go forward.

I recall that yesterday the member for Stuart made reference to the Arid Lands NRM proposal, which sought to have a 900 or 1,000 per cent increase in the levy; and it is fair to say the committee thought that was a little bit over the top. We let that view be known and I am pleased to say that, in the end, the ratepayers—of whom there were only six—one in particular—and the board came to an agreement. It was still a 200 per cent increase and who knows whether the committee would have approved it if it had not come to us on the basis that it was an agreed position.

We are not here talking about that particular matter. We are talking today about the Murray-Darling Basin proposal which, unlike the others, does not respond specifically to the Minister for Environment and Conservation but, rather, the Minister for Water Resources; otherwise it is pretty well the same.

In this particular case the committee was initially concerned about the level of increase sought by the board. However, after quite extensive discussion with the board and visiting the Riverland and talking to the communities involved, we came to the conclusion that, in spite of the fairly hefty increase in relation to the levy, it appeared to be one which had broad acceptance in the community. The committee has always taken the view that if a community is content with a levy increase it is not for us as outsiders to interfere with that state of affairs, so for that reason we proposed that no action or review be undertaken of the proposal by the board; and we recommended accordingly.

Another matter contained in the report, which might be of some interest, was that the committee continues to have some concerns about little aspects of the NRM legislation, in particular the exact scope of the consultation process that is required as a minimum. It is the case that most boards consult widely—and, in fact, more broadly than the statute requires of them—but some do not. In particular, some think it is good enough to talk to local government. This is really not good enough because local government is not the payer of the levy: local government is the collector of the levy. Local government is simply a collection agent taking the levy from ratepayers in the various districts, and simply to have a chat to local government is not adequate consultation as far as the committee is concerned.

Other matters of concern include the period of time during which consultation is required and the sort of notice the committee gets of these levy proposals. They are all matters of detail, and I hope in the course of the next parliament, whoever might be the minister and whoever might be on the committee, those people undertake a review of the NRM legislation. It has been on foot for a number of years and it has been demonstrated to have areas where it could be improved, in my opinion, and it would be useful for that to be the subject of review over the course of the next parliament.

In closing, I would say that I have very much appreciated working with the various members of the committee: the Hons Graham Gunn, Stephanie Key, Caroline Schaefer, Lea Stevens, David Winderlich and Russell Wortley, and the former member of the Legislative Council the Hon. Sandra Kanck. I am the only member on the committee who does not have the title Honourable—which I guess says something. I would also like to put on the record that the Hons Graham Gunn, Caroline Schaefer and Lea Stevens are retiring at the next election. On my own behalf and on behalf of what remains of the committee once they have been removed from it, I wish them all well in their retirement and say how much I have appreciated the great work they have done on the committee.

I would also like to thank the support staff, Knut and Patrick. Both of them have done a great job in assisting the committee and we would not have been able to cover as many subjects and do as much work as we might otherwise have been able to do without their very able assistance. They are very much appreciated for the work they have done. I ask that the parliament note the committee report and I look forward very much to seeing how these issues pan out during the course of the next parliament, whether I am looking at it from inside or outside.

Motion carried.

NATURAL RESOURCES COMMITTEE: EYRE PENINSULA NATURAL RESOURCES MANAGEMENT BOARD

Mr RAU (Enfield) (16:02): I move:

That the 30th report of the committee, entitled Eyre Peninsula Natural Resources Management Board Levy Proposal 2009-10, be noted.

This is the 30th report. It is a similar situation to the one that I have just described and I will not repeat all of what I had to say about it, other than to say that in this case the land-based levy was not a matter of concern to the committee, but the division 2 levy, which is the water-based levy, was proposed at a rate of a 50 per cent increase. We thought this was unacceptable and we referred the matter back for further consideration.

I am delighted to say that in a letter dated 6 June the minister responded to the committee saying that he was prepared to accept the amendment suggested by the committee to the division 2 levy, which was a CPI increase rather than a 50 per cent increase, and, in those circumstances, the committee was very happy with what happened. We felt we had discharged our responsibilities to the best of our ability. Without wishing to bore everybody again, I would like to repeat all that I have said in relation to the members of the committee and the support staff in relation to that report.

Mrs PENFOLD (Flinders) (16:03): The introduction of the natural resources management levy has seen a colossal cost and responsibility shifting from the government to the NRM boards and property owners, volunteers and their local councils. Volunteer regional boards are being asked to manage what is primarily a state government responsibility, and the cost has been transferred to ratepayers and property owners. The board's principal sources of funding are the federal government's Caring for Country funding and the NRM levy. In comparison, the state government's contribution is nominal.

To add insult to injury, the same people who are losing their rights under the freeholding, coastal protection, extension of crown land and native vegetation limitations are being expected to pay the natural resources management levy, the River Murray water levy, emergency services levy and to become volunteers to control the weeds and feral animals, monitor the marine parks and man the volunteer State Emergency Service, Country Fire Service, volunteer marine rescue service and the volunteer ambulance service, and put up with city boffins telling them what they are doing wrong while still earning a living and looking after their families and communities in other ways. Many of these people are getting angry and they have good reason to be.

The Eyre Peninsula Natural Resources Management Board is being asked to take on an increasing number of responsibilities. The current levy arrangements are inequitable as the levy is a population-based levy within individual regions, and there is no correlation with the actual tasks, responsibilities and resources of who uses the facilities or visits the area. Eyre Peninsula has a small population compared to the vast size and huge variety of issues the board is expected to deal with. Native vegetation covers 46 per cent of the Eyre Peninsula. It has a coastline bigger than Tasmania's and 11 of the 19 marine parks are found on the Eyre Peninsula.

The NRM levy on Eyre Peninsula is steadily increasing, with the majority of property owners now paying $60 to $80. In comparison, in 2008 and 2009, ratepayers in the Adelaide Hills and the Mount Lofty NRM region paid from $10 to $49. In comparison, a home, say, in the Adelaide suburb of Burnside is paying $47.90.

The Eyre Peninsula Natural Resources Management Board covers an area of over 80,000 square kilometres and supports a population of about 55,000 people. The NRM board has dual roles: one, as an on the ground delivery agent, and, two, to provide a regional and strategic approach, particularly to water, planning and policy areas.

The committee's resolution to amend the EPNRM board's proposed division 2 levy and limit the increase in the rate applied to SA Water to only CPI and the minister's acceptance does not give recognition to the dire situation of water resources on Eyre Peninsula.

Prior to the Eyre Peninsula Catchment Water Management Board being established, various government departments and SA Water managed Eyre Peninsula's water resources, and to this day the Department of Water, Land and Biodiversity Conservation and SA Water continue to provide the so-called expert advice.

Past management practices have clearly been inadequate, and changes have taken place after the event rather than taking a more informed pre-emptive approach; for example, the Robinson and Polda basin debacles.

To overcome the lack of knowledge regarding our water resources, particularly the underground basins, the board is contributing a significant amount of money to collecting and collating information about water resources in collaboration with the National Water Commission, SA Water, the Department of Water, Land and Biodiversity Conservation and Flinders University.

I was particularly pleased to read an article in *The Independent Weekly* which stated that Flinders University researchers are examining the potential threat from seawater incursion to the water supplies on Eyre Peninsula. This is a real issue of concern that has been talked about for years and needs to be constantly monitored. The EPNRM board's 2009 business plan states:

> It is essential that ongoing financial resources are identified to ensure effective and efficient collaborative arrangements are in place to continue appropriate water resource monitoring. Funds contributed to the region through the NRM water levy will assist in additional water resource monitoring.

Therefore, instead of the committee criticising the board and reducing the division 2 levy, the committee should be supporting the board in taking a more proactive approach in managing the underground water supplies and somehow working out how to get more funds through to the board.

We should not be relying on ground water supplies for our baseline water supply. SA Water's cartel has not encouraged alternative water supplies or methods. The sooner we have access to new water supplies the sooner the community can be assured that our precious underground resources will be sustainable in the future.

The EPNRM position on the 50 per cent increase charge for SA Water is that additional water resource monitoring and investigations need to be undertaken to ensure the long term viability of the resource and that SA Water as the main user should pay for this monitoring. I support the board's position. Too little has been done in the past and it is time for action.

The lead-up to the NRM board being established was a long and convoluted process, which started in 1997-98 in response to the changing focus by the federal Natural Heritage Trust towards a broader, more holistic concept of management and a desire to transfer the focus of the region via a broad, integrated natural resource management body. Numerous meetings were held with key state and community stakeholders to develop a framework for the formation of a regional organisation that would play a leading role in promoting a more integrated and holistic approach to natural resource management within the region.

In August 1999 the EPNRM group was incorporated, and the first meeting was held in September. It was an interim committee, because at the time the appropriate legislation did not exist. Prior to the release of the draft integrated NRM bill in February 2001, discussions had been held for a couple of years at state government level, developing integrated natural resource legislation to combine the separate legislation governing soil boards, pest plant board, native vegetation, etc., in part to prevent the further burnout of the region's volunteers.

In March 2001 Eyre Peninsula Catchment Water Management Board came into existence as a result of growing concern about the management of ground water and underground supplies. However, it was to be four years before the Eyre Peninsula Water Catchment Management Board produced the much awaited Eyre Peninsula catchment water management plan. The lack of progress by the board to produce a plan to deal with the region's diminishing and indeed deteriorating water supplies attracted much public criticism.

After the March 2002 election, the state Labor government expanded the integration process to include not only the existing NRM groups, soil conservation, animal and plant control but also the catchment water management boards, and local management of Landcare, Bushcare and Coastcare.

What was supposed to be a bottom-up exercise became a top-heavy bureaucracy which the standing committee reviewed and criticised last year and was acknowledged in the presiding member's report to the committee. It was and still is my belief—and the current state government funding contribution to NRM boards across the state supports this—that the catchment water management boards were only included as they had the legislative ability to charge a levy.

By September 2002, minister Hill had combined the previous separate water resources, environment and natural resources component of the primary industries portfolios and created the

Department of Water, Land and Biodiversity Conservation. A new natural resources council with direct links to the minister was also formed and the state Labor government commenced a statewide review and restructure of natural resources management agencies, boards and committees.

In May 2002, the EPNRM minutes recorded a board member's resignation and noted the growing time commitment required at regional NRM level and the danger of community burnout being a very real consideration. These are the very issues that the integrated model was supposed to be preventing. In August 2003, EPNRM minutes recorded that:

> DWLBC funding to support group operation/sitting fees etc. were no longer available, meaning a budgetary deficit will be likely for the Group's operation. Budget lines had been cut as much as possible, including the number of meetings. However, without the $30,000 operational funding from the State, only surplus operating funding and account interest/unallocated project funding of approximately $17,000 is available which does not cover operating commitments.

On 18 February 2004, the NRM bill was introduced into state parliament. The EPNRM board was established by proclamation in September 2004 with the presiding member appointed in December 2004.

It took until April 2005 for the board members and agency representatives to be appointed. As you have just heard, it was a long and complicated process and, for some, a stressful time because of the uncertainty about the long-term future. The consultation period may have been extensive. However, the main participants were not the volunteers or general community members: rather they were the agency representatives and affected committee organisation members.

Consequently, at the end of the process, on-ground volunteers and the community were left wondering who was going to manage the local Landcare or Coastcare projects they had been working on for a number of years and who was going to ensure that rabbit and fox baiting projects would continue.

There was a long period of inactivity and local Landcare and Coastcare volunteer groups were left without direction, leadership and funding, and the lack of communication resulted in a growing sense of distrust about the changes. The introduction of another levy resulted in many of the volunteers becoming totally disillusioned, which to this day I do not believe has been overcome.

Time expired; motion carried.

NATURAL RESOURCES COMMITTEE: NORTHERN AND YORKE NATURAL RESOURCES MANAGEMENT BOARD

Mr RAU (Enfield) (16:13): I move:

> That the 31st report of the committee, entitled Northern and Yorke Natural Resources Management Board Levy Proposal 2009-10, be noted.

This is another of these reports, this time in relation to the Northern and Yorke natural resources management zone. Again, very briefly, I repeat everything I said in relation to Notice of Motion No. 8 about the structure, the format and so on.

The particular aspects of this one that are probably relevant are that, for a number of years, this board has been coming to us as a committee and saying, 'Look, we'd like some money from a division 2 levy' which means a water-based levy and for a number of years the committee has said, 'Yes, but you don't yet have a water allocation plan in your area so that the people that you are supposed to be looking after can know what their position is.' They kept saying, 'Yes, okay, we'll fix that up' and we would say, 'When you've fixed it up, come back and ask for a water-based levy.'

Yet again this year they came back, initially without the plan that we had asked them to produce for the last three or four years, and our initial response was, 'Well, no plan, no levy.' However, I am happy to say that a breakthrough occurred this year and, between the time that we first started considering their proposal and the time that we finally made our decision about it, their water allocation plan was put in place.

So, after several years, the water allocation plan has now been put in place and, in those circumstances and only because of that, the committee formed the view that, well, if their water allocation plan is now in place, it is not unreasonable that they pay a water-based levy. The only thing I would say to the chamber is: had they got their water allocation plans in place a couple of years ago, they might have been collecting a water-based levy, as far as the committee was concerned, a couple of years ago.

But, anyway, that is ancient history now. Everything is now in order. They do have a water allocation plan in place; they do now have a division 2 levy. That was really the only highlight of that particular board's proposals. I say again, both in relation to this report and the others, that all the committee members have been of the same mind about all these reports. The member for Stuart, I am sure, would agree that there has not been any instance when these levy proposals have arisen where there has been a division of opinion on the committee. It has always been pretty clear.

We have set the criteria which we think are relevant. They include: appropriate consultations, a justification of increases above CPI, a general principle of fairness, and an equitable distribution of the burden of levy payments. Any of the boards which have come before the committee and which have met those criteria have been approved. Those which have not, on occasions, have been requested to go away and have a think about it, and in every case, ultimately, that has turned out to be a satisfactory outcome.

Again, I thank all my colleagues who have been members of the committee for the last four years. They have done an excellent job. It has been tremendous working with all of them. I again say, because this is probably the last contribution I will be making in relation to NRM matters, that our staff on the committee have been excellent staff. Knut and Patrick have done a great job of supporting the committee in all that it has done. It has been a pleasure to work with them and the other members of the committee for the last four years. I do hope that, in the next parliament, whoever might be on the committee has a similarly satisfactory experience of the very interesting work that is involved in this area of the parliament's business.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: PUBLIC TRANSPORT

Ms BREUER (Giles) (16:18): I move:

That the 65th report of the committee, entitled Public Transport, be noted.

I did not really think that, when I looked at that list, I would ever have this opportunity, so I am pleased that circumstances have worked out the way in which they have. I particularly did want to move this report because we have produced quite a substantial report and it has taken us virtually the whole year, and it would be such a shame if I was not able to comment on it. So, it is good that I am able to get up here today.

In an ideal world, public transport would be available, affordable, safe and clean in the carbon neutral sense. Somehow the domination of the car would not have placed it in catch-up mode and being ill-prepared to face the challenges raised by climate change and peak oil. In a comparison with other states and similar cities worldwide, South Australia has some admirable aspects. A one-sentence summary of where South Australia is at the moment is: South Australia was lagging, but the planned infrastructure spending will bring us in line with other states. However, we will need to consider future scenarios influenced by peak oil and climate change.

The reality is that in Adelaide fewer than 10 per cent of people use public transport to journey to work. The private car dominates. Arguably Adelaide is the most car-dominated city in Australia, but the statistics show that Perth and Canberra are about the same. This should not be surprising. The car has been an easy, relatively inexpensive fast way to get to where you want to be. An extensive road network is provided for car users. Public transport is used by two groups: those going to the CBD (about 43 per cent of all public transport trips are CBD-bound journeys); and 50 per cent of the population who do not have access to a private vehicle—these are people who are old, young or who cannot afford to run a car.

Public transport for many historic reasons has provided services that radiate out from Adelaide. This does not effectively serve travellers' needs, and a chicken and egg situation arises. Suburban centres that are designed to accommodate cars arise and these are difficult to serve by public transport. It is recognised that there must be a shift to public transport as the current use of private cars is unsustainable. The environmental and economic consequences are well known. Recent history shows successive state and local governments making considerable progress and improving Adelaide's public transport—integrating the fare and ticketing systems, the O-Bahn to the north-east suburbs, extending rail to Noarlunga, providing an interchange and creating community bus works, to name a few.

The integration of state and private services through the establishment of the State Transport Authority (now the Passenger Transport Board) and the Public Transport Division has

been very positive. Compared to other states, funding for capital works for public transport was low. The committee's visit to Perth—a city comparable in size to Adelaide—demonstrated the vast improvements that capital funding provides. However, this situation has now changed for the better. The current state government now has a program of works to improve major elements of Adelaide's public transport system, including the following rail infrastructure projects:

- resleepering the Noarlunga and Belair lines;
- constructing a tramline overpass at South Road;
- electrifying the Noarlunga and Outer Harbor lines;
- extending the tramline to the Entertainment Centre; and
- extending the Noarlunga line to Seaford.

For these and other projects, including replacement buses and improved access for O-Bahn buses into the city, the state government expects to invest some $2 billion over the period 2008-18, with some financial assistance from federal government programs. The initial thrust is on rebuilding the rail and tram infrastructure, but improvements to other services are expected to take place concurrently. A key recommendation of the committee is that the government produce a strategic transport plan. This would set the new program of public transport improvements (the costs involved and the budgets required) into a strategic framework, provide a guideline for the medium-term future and form a platform on which longer-term plans can be developed.

It would demonstrate that South Australia was adopting an integrated, intermodal, best practice approach to transport planning and management and planning for long-term change. These were the findings of the recent published report from the Senate Committee on Rural and Regional Affairs and Transport. A new draft plan could be prepared quickly and released for public consultation by updating the 2003 Draft Transport Plan for South Australia.

If existing resources cannot be spared to prepare such a plan, consideration should be given to a future Thinker in Residence being invited from interstate or overseas to complete the task. The current South Australian Strategic Plan target to improve Adelaide's public transport patronage to 10 per cent of passenger kilometres by 2018 should be increased to a more aspirational 25 per cent. The targets for public transport travel in the Adelaide CBD should be raised to 50 per cent of trips by 2018.

The committee realises that improved public transport is only one element of reducing private car use. Planning, such as transit orientated developments (TODs), taxes on car use, encouraging cycling and walking and education campaigns, should all be part of the approach. It is important to raise the general standard of services in all the following areas if public transport is to be an attractive alternative to the private car.

Those areas are: frequent services; reliable services; bus priority measures; realistic operating timetables; accurate and comprehensive public timetables; convenient and pleasant interchanges; convenient access to vehicles, stops, interchanges and platforms; maintaining low fare levels; Smartcard integrated ticketing; overall comfort and security; and capacity for shopping, schoolbags and luggage.

The Smart Stop real-time information system needs improvement and then should be rolled out to all major bus, tram and rail stops. The Crouzet ticketing system should be replaced with the Smartcard system with a high priority. Another key recommendation centres on funding. The committee identified that the greatest impediment to maintaining such a program of improvements was the availability of finance.

The capital budget has been increased greatly in recent years, but there has not been a corresponding increase in the operating budget to cover the contracts between the state government and its rail and tram operating agency, TransAdelaide, and the private contractors providing bus services; to the contrary, the main effort in the last decade or more has been to maintain the operating budget or make savings.

Given the expansion of the rail and tram systems, additional funds will be required to cover increased operating costs. If the overall budget for service contracts is limited to current levels, savings will have to be made elsewhere in the present system, which would negate the effectiveness of the capital works program.

It would be folly to cut bus services to fund increased rail operating costs, as improvements to the total network are as important as action on particular corridors. Such cross-subsidisation would also be economically inefficient, as the cost recovery on rail services from fares is much lower than that on the bus network, and buses carry far more travellers than the rail system.

The terms of reference included the consideration of restoring certain rail passenger services, and the member for Schubert was most interested in this aspect of our inquiry. The committee is firmly of the view that the future, as impacted by peak oil and climate change, will include public transport to the areas reviewed.

The committee's research concludes that the restoration of passenger train service to near metropolitan areas is unlikely to occur in the immediate future for a number of reasons. The committee therefore recommends:

- continued reservation of rail rights of way that are currently unused by rail services;
- a short eastward extension of the Gawler rail service to the planned Concordia/Buckland Park development and construction of a secure park-and-ride facility at the new terminal;
- extensions of rail networks and stations preceding urban expansion/development;
- review of the potential for restoring passenger trains to Mount Barker if and when the all or most freight trains are removed from the Adelaide Hills line to operate via a new freight bypass rail line; and
- a study to determine whether the improvements to public transport services in the eastern suburbs of the City of Onkaparinga would benefit from the use of their Willunga rail right of way through the area.

Although restoring regional rail passenger services to Whyalla and Broken Hill is possible (both cities and Port Augusta are on the ARTC standard gauge network), such services are unlikely to be needed or justified in the near future. Consideration of reopening a passenger train service to Mount Gambier must await any action to standardise and reopen the currently unused to broad gauge freight line from Wolseley.

The state government and member companies of the Bus SA organisation should review the level of service to near metropolitan communities and regional cities and develop measures to raise the quality and image of coach services to offset the view presented to the committee that improved public transport can only be achieved by reintroducing passenger train services.

Moving forward, there will need to be more consultation across the spectrum, from producing a strategic plan to making changes to bus routes. The committee has made several recommendations regarding consultation, including a research partnership between DTEI, local governments and local communities. This would be useful in identifying and addressing safety, from assault on traffic, and amenity issues in the areas around stops and stations. It is hoped that this report will be of use to the parliament and benefit the government in setting its policy for the future. The report contains research and analysis that will serve many of the stakeholders in public transport.

I particularly thank the research team we engaged to assist in this report for the work it did. The team comprised Professor Derek Scrafton, Professor Michael Taylor and Dr Nicholas Holyoak from the Institute for Sustainable Systems and Technologies at UniSA. We certainly appreciate and acknowledge their invaluable work in preparing the background report and putting together this information for us because the committee, with its terms of reference, had a monstrous task had before us, and the research team certainly helped us to get through it.

I also thank the other members of the committee for their role, particularly the member for Schubert and his strong advocacy for his region which he maintained throughout the whole project. I also thank our Executive Officer, Phil Frensham, for his role. I recommend the report to the house.

Mr VENNING (Schubert) (16:30): I want to commend the member who just sat down on her chairmanship and on a great report. This is the last day of a long journey (pardon the pun) in relation to this issue of transport. I remind the house that this matter originally came to this house by way of a motion from me, which was amended by the government and accepted. It was picked up in the upper house by the Hon. Dennis Hood and the words that I had to leave out to get it through this house were reinserted. So, in partnership, we got it to the ERD Committee.

This has been a very interesting reference, particularly with the three participants from the Adelaide University, which has given it great expanse. We have looked at a very wide field, and a lot of things came into it. This is one of the best documents that I believe any committee has ever handed down, so much so that I will be keeping my copy, because there is so much information in here that has come from the university's memory bank and the pictures are in colour. It is a must for anybody who is at all interested in the future of transport, transport options and people. I think it is fantastic reading. It also quotes what other countries around the world are doing.

Although Adelaide has missed the tram (pardon the pun again) on a lot of these things, we can capitalise and we can now use the most modern and latest technology. I attended a forum this morning at an adjoining hotel which talked about work and life, and one of the key topics was how people are suffering because they are spending too much time travelling to work and not enough time with their family, and public transport has a key role to play. This reference has crossed over a very wide gamut of the whole community here in the state.

As the member for Giles just said, I battled hard, and I commend the people from the Barossa who came and made a presentation to the committee. They did so in force, purely because they are unhappy that they have a railway line but they do not have a daily passenger service or even a wine train. I did not ginger them up to do that; they did that of their own volition. They did not need any help from me to do that.

As I said, the Barossa community to a person is very supportive of their getting a rail option. The bottom line is that, if we cannot have a train service (and it is highlighted in this report), why can we not be provided with buses that link the Barossa to Gawler? When looking at the report it is rather ironical to see (and the figures are there for all to see) that the Gawler-Adelaide line is the line that makes the most. It almost makes a profit—not quite, but it nearly does. It is the long haul lines that are efficient.

Why cannot the government tack on a bus service linking that rail service from Gawler into the Barossa, or wherever? Buses could go out from these rail heads: it is not rocket science. Put buses on that link to the rail head and match the train timetables, so people can get on the bus, de-bus at Gawler and get on the train. Without doubt, the Gawler train is the best way to travel to Adelaide. There is no car parking problem and it is quick, especially the express service, which comes straight through. My staff use it every day. It is fantastic.

The other part to that, which is also highlighted in the report, is why the Metroticket cannot be extended to include people such as this? A lot of people are paying $17 or $18 just to get from the Barossa to Gawler, and then it is $3 or $4 thereafter for the rest of the day. When they draw that line there, it really excludes a lot of people.

I note that the report (and, again, it is spelt out) talks about the subsidisation of services. On page 36 it talks about what it costs; how much the government subsidises the services that we currently operate in metropolitan Adelaide. That subsidy is about $175 for each person who gets on the train, yet when we are talking about a service for country South Australia by way of the reintroduction of, say, the Port Pirie or the Port Augusta express to Adelaide, or even Adelaide Hills or Mount Gambier one day, I hope (that is a pipedream maybe), we are told by the minister that these services do not pay. That is right: they do not, and they never will. However, if it is okay to have a subsidy in the city, why can't we have any sort of a subsidy for the country?

This is not spelt out; this has not been worked out. I have said to the government ad nauseam 'Why can't we at least trial it?' Why can't we trial it to see who is using it and what it would cost? I am happy to say that if the subsidy costs $200 or $300 per person, squash it; I am okay with that.

I am sad that Mr John Geber was not able to present to the committee. He would like to do so now but it is a bit late, I'm afraid. I was talking to him about this matter last Friday. Mr John Geber who owns Chateau Tanunda has bought the wine train outright. He now owns the old Bluebird, but he still cannot operate it on the line. I cannot understand why the government cannot come in. I understand that Genesee & Wyoming, which now operates that corridor for the stone train, is amicable to a deal down the track—pardon the pun—so Mr Geber can run his train, but we do not seem to have a government with a 'can do' mentality. I am sure when former minister Di Laidlaw was in charge she had more than a 'can do' mentality: it was a 'will do' mentality—it happened, it ran.

If it were not for September 11 and SARS, and everything else, it would still be there. Because of one glitch and the wrong government, look what we have got. We have no service at

all. I would have liked to see cross-subsidisation expanded in this report. It is written here for everyone to read. I commend the government for allowing this document to be noted because it is here for people to read. Again, I commend the people from the Barossa for coming down. I would not give up on this, because here it is in black and white. The professors have used the auspices, capacity and research library of the University of South Australia to put all this information together.

I commend the report to the parliament. I also commend the chair, all members of the committee and our research officer Phil Frensham. We get on well together. We have a lot of experience on this committee. I am a bit sad that we do not have a full-time research officer on this committee. It is a mistake. I do not know whether or not it is the clerk's experiment, but I put on the record that in the next parliament I would like to see a full-time research officer on deck all the time. It is very hard on one person. He has to be in control. When there are two people, there is always someone there to take a phone call from demanding committee members—and some of us are very demanding. I make no excuse for that, particularly in relation to reports such as this.

During my time in this place—and I hope I am coming back after the election—I have enjoyed my work on this committee. I had the honour of chairing the committee for seven years. It is one of the most interesting committees in the parliament, and it is a fairly powerful committee. It would be common sense to put all these committees on the same level. I do not believe it is correct that members of the Public Works Committee are paid less than, say, members of the Economic and Finance Committee or the ERD Committee. It is wrong to have two layers. All committees should be the same, so there is not a differentiation in relation to seniority.

I commend this report to the house. It is excellent reading. I thank again the three members from the university. It is great that the outreach of the parliament went down there. The input from Professor Scrafton and his colleagues was well worthwhile. We hope that we have not vandalised the report too much. I certainly commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: ADELAIDE FILM AND SCREEN CENTRE

Mr KENYON (Newland) (16:41): By leave, I move:

That the 337th report of the committee, entitled Adelaide Film and Screen Centre, be noted.

The Adelaide Film and Screen Centre will replace the current film and screen centre in the western suburbs. It has come to the Public Works Committee. It looked like a very good use of a very old building that is in need of some significant repair. We got a tour of the building—it is quite a substantial building—and I think that, by the time it is finished, it will be restored to its former glory. Certainly, it will be a slightly less depressing use of it. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: RIVERSIDE BUILDING

Mr KENYON (Newland) (16:42): By leave, I move:

That the 338th report of the committee, entitled Adelaide Riverside Building North Terrace Fitout, be noted.

The public work is the Adelaide Riverside Building fitout. It is a fairly standard fitout. A number of similar items have come to the Public Works Committee in recent times. Personally, my view is that these things are so run-of-the-mill that, unless they are perhaps over $10 million or $15 million, there is no need for them to come to the committee but it has. It is very straightforward. If you have any deep concerns about it, I suggest you read the report. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: FLINDERS MEDICAL CENTRE

Mr KENYON (Newland) (16:43): By leave, I move:

That the 339th report of the committee, entitled Flinders Medical Centre Redevelopment—Revised Emergency Department and Acute Medical Unit, be noted.

This item came to the Public Works Committee and involved a reworking of plans for the redevelopment of the Emergency Department and Acute Medical Unit. Previously, they had come to the Public Works Committee with plans. After that, a group of doctors from those units (the Emergency Department and Acute Medical Unit) had travelled to the United Kingdom where they had a look at some of the most recent developments in those units, particularly around work flow, patient flow and care. As a result, they came back and reworked their plans for that redevelopment

and brought them back to the committee. It seems like a very sensible redevelopment and it is certainly better to catch it now than at some point once the building has been redeveloped. It is a good proposal, and I recommend the report to the house.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: AQUACULTURE VARIATION REGULATIONS

Mrs GERAGHTY (Torrens) (16:44): I move:

That the report of the committee on an inquiry into the Aquaculture Variation Regulations 2008 and Aquaculture Variation Regulations 2009 of the committee be noted.

In March of this year the Legislative Review Committee resolved to inquire into the Aquaculture Variation Regulations of 2008 and the effect that the regulations had on the oyster industry. In response to concerns raised by the oyster industry, the inquiry was held into the new fees scheme imposed by PIRSA and the apparent lack of consultation and information provided about the scheme.

The fees for the oyster industry increased from previous years as a result of PIRSA's decision to move to a full cost recovery model. Prior to the formulation of the 2008 regulations, PIRSA undertook consultation with aquaculture industry representatives and developed a business plan. The business plan included all the activities that PIRSA undertook to maintain aquaculture leases and licences and the cost of providing the services.

PIRSA then developed a cost recovery model to distribute these costs across all industries monitored by PIRSA. The model moved away from allocating costs on a per hectare basis to allocating costs on a per site basis. PIRSA argued that this resulted in a better alignment of fees to the services it provided, as smaller leaseholders were not contributing enough to cover the true cost of supporting that lease, and some sectors of the industry bore a disproportionate cost burden as a result. The change in the model of cost recovery was also in response to the principles outlined in the Productivity Commission's 2001 Report into Cost Recovery by Government Agencies.

The oyster industry, represented by the South Australian Oyster Growers Association, questioned the costs associated with the new cost recovery model. It argued that it would result in a substantial increase in fees for some growers. The oyster industry stated that it was not fully or adequately consulted about the new model, and it also expressed some other concerns about how the fund was to be recovered. According to the industry, it expressed a view that it did not have an opportunity to consider PIRSA's costings.

In May 2009 a new set of regulations, the Aquaculture Variation Regulations 2009, were gazetted as an interim measure to reduce the fee contribution for oyster growers for the 2008-09 financial year until further negotiations on the cost recovery model could take place. The committee publicly advertised its inquiry in local and regional newspapers on 21 March 2009, inviting submissions. A total of 10 written submissions were received, including submissions from several concerned oyster growers—the South Australian Oyster Growers Association and the Department of Primary Industries and Resources SA. The committee also heard evidence from Ms Heather Montgomerie, the Acting Executive Director of PIRSA, and Mr Bruce Zippel, President of the SA Oyster Growers Association.

Ms Montgomerie, on behalf of PIRSA, listed a range of activities that it undertook to maintain leases and licenses, including environmental monitoring, zoning, processing applications and monitoring licensing conditions. Ms Montgomerie also indicated that there was, quite clearly, consultation on the new cost recovery model and that the model itself was reasonable. In his evidence, Mr Zippel, on behalf of the Oyster Growers Association, expressed his very strong opposition to the cost recovery model used by PIRSA, which in his view was implemented without full consultation. He also expressed a concern that PIRSA was taking its total cost and dividing it among all aquaculture industries.

The committee found that the consultation undertaken by PIRSA perhaps could have been done in a better way and that a breakdown of costs to the oyster growers and other industry representatives led to some dissatisfaction within the oyster industry. The committee also noted, however, that PIRSA was critical of the oyster industry's failure to clearly put its position during negotiations before the regulations came into effect, and that was a fact acknowledged by the oyster growers in their evidence.

The committee was told that the negotiations between the minister, the oyster growers and PIRSA are ongoing, and it recommended that these negotiations should be allowed to proceed in light of issues raised in the committee's report.

In conclusion, I would like to acknowledge the contribution of the members of the committee: in this chamber, the now Leader of the Opposition, Mrs Isobel Redmond, who has obviously since resigned and been replaced by the Hon. Iain Evans, and Mr Tom Kenyon; and, in the other place, the presiding member of the committee, the Hon. John Gazzola and the Hons Robert Lawson and John Darley. I would also like to acknowledge the work of the committee secretary, Ms Leslie Guy, and our research officer, Carren Walker. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: GRENFELL STREET FITOUT

Mr KENYON (Newland) (16:51): By leave, I move:

That the 340th report of the committee, entitled Fitout of 77 Grenfell Street, Adelaide, be noted.

This is a very straightforward project, another office fitout, which again, in my view, should not have come to the committee, but it did. I commend it to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: SAND TRANSFER INFRASTRUCTURE PROJECT

Mr KENYON (Newland) (16:52): By leave, I move:

That the 341st report of the committee, entitled Sand Transfer Infrastructure Project—Adelaide's Living Beaches, be noted.

This is a very good little project taking trucks from beaches and roads and replacing them with a pipeline. It is a very efficient way of doing it and a good way of keeping our beaches in good condition over the summer and, of course, the winter when they get damaged. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: TRAM OVERHEAD WIRING AND SUBSTATION PROJECT

Mr KENYON (Newland) (16:53): By leave, I move:

That the 342nd report of the committee, entitled Tram Overhead Wiring and Substation Project, be noted.

This is a very small project, tidying up some wiring that needs to be replaced and making sure that the correct gauge or thickness of cabling is used to give a longer life. It is rats and mice stuff. It probably could have been left by the committee but it came, and again, another useful project that needs to be done. I commend it to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT ADELAIDE VIADUCT

Mr KENYON (Newland) (16:54): By leave, I move:

That the 343rd report of the committee, entitled Port Adelaide Viaduct Upgrade, be noted.

The Port Adelaide viaduct work has been done. The viaduct is very old down at Port Adelaide on the railway line. It needs to be upgraded just simply because it is wearing with age. Straightforward. Nothing to see here. Please move along. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: SECURE ELECTRONIC COMMON USER FACILITY

Mr KENYON (Newland) (16:55): By leave, I move:

That the 344th report of the committee, entitled Secure Electronic Common User Facility, be noted.

Further work on the final stage or at least very close to the final stage on the common user facility at the Techport. I cannot talk too much about it: it is very confidential obviously. A high security clearance is needed to hear about this one! No—again, it is a straightforward thing. It has been in the plan in the public arena. The report is good; if you are really interested, you can read that. I commend it to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: BETTER TAFE FACILITIES AND TRAINING FOR TOMORROW PROJECTS

Mr KENYON (Newland) (16:56): By leave, I move:

That the 345th report of the committee, entitled Better TAFE Facilities and Training for Tomorrow Projects, be noted.

This concerns upgrades to TAFE facilities. I recall that it is heavily involved with federal funding as a result of the federal government's efforts to keep the economy ticking over during the recent financial crisis—a very successful intervention in the economy, I think. However, these facilities will certainly be better off for it. They will be good for TAFE and good for the students, and I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: STATE AQUATIC CENTRE AND GP PLUS HEALTH CARE CENTRE

Mr KENYON (Newland) (16:57): By leave, I move:

That the 346th report of the committee, entitled State Aquatic Centre and GP Plus Health Care Centre, be noted.

They seem to be unrelated but in fact they were two good projects—a GP Plus Health Care Centre and the State Aquatic Centre. The State Aquatic Centre is particularly interesting; it is finally to be built down at Marion. I look forward to its completion and taking the children down there to swim, and I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: ROSEWORTHY PRIMARY SCHOOL

Mr KENYON (Newland) (16:58): By leave, I move:

That the 347th report of the committee, entitled Roseworthy Primary School Development, be noted.

This is a very straightforward primary school redevelopment, nothing of any great note, and I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: WOODVILLE HIGH SCHOOL

Mr KENYON (Newland) (16:58): By leave, I move:

That the 348th report of the committee, entitled Woodville High School Redevelopment, be noted.

Another school redevelopment. It probably should not come to the committee; it should have just been passed of straight over. It is a very straightforward run-of-the-mill school redevelopment, and I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: WILLUNGA HIGH SCHOOL

Mr KENYON (Newland) (16:59): By leave, I move:

That the 349th report of the committee, entitled Willunga High School Redevelopment, be noted.

We had a string of school redevelopments come through and they are all excellent. They will be great for the school, they will look good and they will really improve facilities and make it easier for children to learn. This is another one of those, and I commend it to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: MAIN SOUTH ROAD-VICTOR HARBOR ROAD JUNCTION AND SEAFORD ROAD/PATAPINDA ROAD INTERSECTION UPGRADE

Mr KENYON (Newland) (16:59): By leave, I move:

That the 350th report of the committee, entitled Main South Road-Victor Harbor Road Junction and Seaford Road/Patapinda Road Intersection Upgrade, be noted.

The Victor Harbor Road junction is an important junction in the south. I have used it many times myself on my surfing trips in an earlier life. It reached capacity a long time ago. On very busy weekends and days, the traffic stretches right back. This is a very rational approach to dealing with this intersection that will take it through the next 10 or 20 years. Putting some lights in there and signalising the intersection will improve it markedly. I commend the report to the house.

Motion carried.

NATURAL RESOURCES COMMITTEE: UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT

The Hon. G.M. GUNN (Stuart) (17:00): By leave, on behalf of the chairman, I move:

That the 36th report of the committee, entitled Upper South East Dryland Salinity and Flood Management Act 2002 Report 2008-09, be noted.

We took a great deal of evidence on this particular matter and we had two interesting bodies of opinion: those who wanted drains and those who did not. From an impartial point of view, on this occasion I believe the minister got it right. The minister got it right and that was the view of the committee. Now I know one or two people on my side of politics will not be pleased with my saying that, but, at the end of the day, rationally looking at all the evidence and having received some very good advice and comments from responsible people with no axe to grind, it was clear that there was only one course of action to take.

In relation to the NRM parliamentary committee, I have found it to be perhaps the best committee that I have sat on during my time in parliament. We got on very well together. I do not think that on any occasion we divided on party lines. We objectively looked at the issues. We have done a great deal of work, and I think a great deal of credit goes to the chairman for the way in which he chaired the committee and gave everyone great opportunity and, when necessary, put certain witnesses through their paces when they were acting inappropriately. There are one or two witnesses who I do not think will forget their experience before the committee, but it was a fair warning to others that the committee was not to be fooled with, because we did expect to be told the truth and we did expect to be in a position to inform this house properly. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: LADDER—YOUTH ACCOMMODATION AND SUPPORT

Mr KENYON (Newland) (17:03): By leave, I move:

That the 351st report of the committee, entitled Ladder—Youth Accommodation and Support, be noted.

The Ladder—Youth Accommodation and Support project is a good project. It is very useful. It will see homeless youth accommodated for a significant length of time—six to 12 months. Hopefully, they will become more settled in their life, get some issues sorted out and undergo training or whatever they need. Hopefully, they will be educated to a point where they can live by themselves and operate efficiently by themselves. It is a very worthwhile project and I commend it to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: CORRECTIONAL SERVICES RELOCATION FITOUT

Mr KENYON (Newland) (17:04): By leave, I move:

That the 352nd report of the committee, entitled Correctional Services Relocation Fitout, be noted.

The correctional services relocation fitout is another fitout that has come before the committee. It is very straightforward but long needed, I think. I think the correctional services people are working in some fairly difficult conditions and they will very much appreciate having some decent accommodation. Having said that, I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: WOMEN'S AND CHILDREN'S HOSPITAL CANCER CENTRE

Mr KENYON (Newland) (17:04): By leave, I move:

That the 353rd report of the committee, entitled Women's and Children's Hospital Cancer Centre—Gene Therapy Laboratories and Pulmonary Clinics, be noted.

The Women's and Children's Hospital Cancer Centre is another an excellent project. The Women's and Children's Hospital is a brilliant hospital, it does a lot of great work and any work which is undertaken to upgrade their facilities or equipment to allow them to do their job better is to be commended, and I certainly do commend it to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: CEDUNA HOSPITAL REDEVELOPMENT

Mr KENYON (Newland) (17:05): By leave, I move:

That the 354th report of the committee, entitled Ceduna Hospital Redevelopment, be noted.

The Ceduna Hospital redevelopment, I suspect, is long awaited in Ceduna. It is another good development and part of a continual series of redevelopments and upgrades that are coming through the Public Works Committee at the moment. This is another good one. When it is finished, it will have a great outlook over the ocean. If you were not sick, you would probably pay to stay there. It is going to be in a beautiful location and it looks as though it will be a nice building. Hopefully, it will contribute significantly to the health of the area. I commend the report to the house.

The Hon. G.M. GUNN (Stuart) (17:06): I would like to speak in support of this particular motion, having visited the hospital on many occasions and having my name on a plaque on a wall in one part of that hospital, I can say that I am very pleased that the Ceduna Hospital is going to be improved again. It is a part of South Australia which is very near and dear to my heart, having had an office in that town for a number of years from which I could look out the window across the bay. It was a very pleasant spot and I have spent a lot of productive and enjoyable times there. I must say that I greatly appreciate the strong support that community gave me when I had the pleasure of representing them and I think it is very worthy that their health facilities are improved.

Mr KENYON (Newland) (17:06): Having just found out that there is a plaque with the honourable member's name on it, I will endeavour to have the minister preserve the plaque for posterity at a later time.

Motion carried.

PUBLIC WORKS COMMITTEE: HALLETT COVE AND HALLETT COVE BEACH RAILWAY STATIONS

Mr KENYON (Newland) (17:07): By leave, I move:

That the 355th report of the committee, entitled Hallett Cove and Hallett Cove Beach Railway Stations Upgrade, be noted.

This report relates to two railway station upgrades: Hallet Cove and Hallett Cove Beach, as well as improved car parking and improved facilities. With the improvement in the rail line, with the electrification, it is a good time to be rebuilding these railway stations. They will be significantly better than they are currently. They are very good public infrastructure developments, and I commend the report to the house.

Mr PENGILLY (Finniss) (17:07): I join with the member for Newland in supporting the project. Some issues I have raised about these projects relate to the security of both the station precinct and the car park precincts adjoining them. It is something that we have to watch, and it was raised in another hearing we had this morning. We have to ensure that the unattended vehicles of people who want to use these railway stations to commute to work (notwithstanding the fact that the Rann government has failed to do anything until about now) have adequate security around them.

The south falls prey fairly regularly to people who want to break into cars, destroy them, trash them, take them, steal from them, etc. That is an issue we need to watch, and I have urged that to be considered during the hearings. We do support the project. It is long overdue and we look forward to its completion.

Motion carried.

PUBLIC WORKS COMMITTEE: PUBLIC TRUSTEE OFFICE ACCOMMODATION FITOUT

Mr KENYON (Newland) (17:08): By leave, I move:

That the 356th report of the committee, entitled Public Trustee Office Accommodation Fitout at 211 Victoria Square, Adelaide, be noted.

This is another office fitout, this time for the Public Trustee. This is very straightforward. Again, I think that the staff of the Public Trustee will be glad to get into new accommodation. However, there is really nothing of great note in this report, and I commend it to the house.

Mr PENGILLY (Finniss) (17:08): Again, as the member for Newland has indicated, there has been a multitude of office fitouts lately, none of which meets the stupendous requirements of SA Water and its $40 million-odd. The fact is that there has been a run. Why there has been a run is an intriguing issue. The latest one, last week, was the Attorney-General's office fitout. A number of these offices (this one included) did need attention given to them. This side of the house supports the action.

Motion carried.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:09): I have to report that the managers have been at the conference on the Statutes Amendment (Victims of Crime) Bill, which was managed on behalf of the other place by the Hons J.A. Darley, R.D. Lawson, B.V. Finnigan, S.G. Wade and P. Holloway. We there delivered the bill, together with a resolution by this house, and thereupon the managers for the two houses conferred together but no agreement was reached.

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY

Adjourned debate on motion of Hon. P.L. White:

That the 69th report of the Economic and Finance Committee, entitled Emergency Services Levy 2009-10, be noted.

(Continued from 28 October 2009. Page 4498.)

Mr GOLDSWORTHY (Kavel) (17:10): As I am a member of the esteemed Economic and Finance Committee—

The Hon. M.J. Atkinson: And a former banker.

Mr GOLDSWORTHY: —and a former banker; indeed, Attorney-General—as is the norm, the emergency services levy review comes before the committee on an annual basis. It is a requirement under the act that the Economic and Finance Committee has oversight of the emergency services levy. The member for Taylor is the Presiding Member and, obviously, she has spoken to the report. As usual, a plethora of departmental officers—the Chief Officer of the CFS, the MFS, the commissioner of SAFECOM and a whole range of other bureaucratic personnel—come along. The members of the committee are out-numbered about five to one with the number of bureaucrats, and so on, who come along potentially to answer any question that may be put to them by members of the committee.

From memory, the setting of the levy was not an extraordinary issue; it was not out of the realms of normality in terms of setting the levy. Really, the levy itself has been a real boon to emergency services here in South Australia. I ask the house to indulge me a little to enable me to expand on my comments in relation to the emergency services levy itself. It was a policy initiative of the previous Liberal government. Its introduction did generate considerable debate in the community and in this place and the other place. However, it really has shown that it was the right policy because the emergency services, particularly the CFS, were struggling and under considerable pressure to adequately resource themselves.

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: I know that, as a result of the poor management of the Bannon government—and you have got me onto another train of thought, Attorney; I was not going down this track, but you have encouraged me now—the CFS was, I think, something like $10 million—

The Hon. G.M. Gunn: $13 million.

Mr GOLDSWORTHY: The member for Stuart has a good corporate memory. The CFS was $13 million in debt, and it was struggling to service that debt; hence, it was starved of money, and that is not an exaggeration. One of my brigades in my electorate at the time—

Mr Pengilly: I was the chairman.

Mr GOLDSWORTHY: Indeed, you were, member for Finniss—could not afford the diesel fuel—

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: I am glad that you recognise my correct status, Mick—to run both its trucks; that is how starved of resources and funds the CFS was time. It was difficult policy to manage at the time; however, as is the hallmark of many Liberal governments (and we saw this through the Howard government years), difficult policy debate does not necessarily mean that it is not good policy to be implemented.

We have seen expansion of the resources, the services and the equipment made available to the CFS, in terms of the firefighting aircraft that have come on stream and the air-crane helicopter that comes over from Europe and North America every summer to be based here permanently over our bushfire season, as a result of the implementation of the emergency services levy.

I am obviously pleased to support the report, and I look forward to the state of South Australia being kept as safe and as secure as it possibly can be by the outstanding contribution made by the emergency services.

The Hon. G.M. GUNN (Stuart) (17:17): I speak to this report because I was one of those who had some involvement in imposing the emergency services levy. At the time, it was not a particularly popular decision, but it has been proved beyond doubt to be the correct decision. As you drive around the state, you can see not only vast improvements in the facilities the Country Fire Service and the SES have to carry out their important role but also the provision of trucks.

It was quite unreasonable and untenable that certain large organisations were insuring offshore in order to avoid paying the stamp duty levy for fire protection, while the small householder down the street was paying it, but these people expected to get the service. So, after a great deal of consultation and consideration, the decision was made to impose the levy.

I remember people being less than charitable towards me about this and, although I am not one to blow open a fight, I had to say to them that, if their family was stuck in a car in the middle of the night, they would want somebody with the jaws of life to get them out. We could not expect to continue to encourage volunteers to do their work if they did not have reasonable equipment.

It is a fairly small amount, and I was of the view that we would be better served by having this. Unfortunately, nothing comes free and, if you want a service, you have to pay for it. We now need to take the next step and put some sensible provisions in the law to allow people to take action to mitigate the effects of bushfire, such as decent firebreaks and so on, and earlier today I was told by the Mayor of Port Lincoln that a large fire is burning in the Cowell district this afternoon.

I am happy to support this proposal, and I think that, in the future, there is a need for it to continue. I believe that we need to continue to upgrade and have the latest technology available to protect the community against bushfire.

Mr PENGILLY (Finniss) (17:20): I note the member for Stuart's most worthwhile comments, as well as those made by the member for Kavel and the member for Hammond. When the levy was introduced, it was highly controversial, and I should know because I had my head chopped off over it. The fact of the matter was that the Country Fire Service board at the time was totally unable to operate properly because of the massive $13 million debt which was hanging over our head and which we had to service.

It made the role of the Country Fire Service board at that time almost impossible; it was a bit like try to run a kindergarten without adequate funding. The levy was introduced and put into place in due course and, as the member for Stuart said, the jaws of life and so on have been funded from it.

However, we still do not have enough funding to do everything that should be done in emergency services, and I will talk briefly about the Country Fire Service and the brigade of which I have been a member for many years. It has a truck that is well over 20 years old and, although it is in pretty reasonable condition, its quality pales against what is available now. It is always half a gear short, and the technology of latter-day trucks is vastly superior.

I sometimes query (and I have had this discussion with Mr Euan Ferguson) the number of vehicles that CFS volunteers are running around in as group vehicles. It almost seems to be overkill—

Mr Goldsworthy: Group officers.

Mr PENGILLY: Yes; group officers and below. A number of them have these vehicles. I think we need to keep a bit of an eye on just what they use them for. They should be restricted, in my view, to serving the Country Fire Service and should not be used as private vehicles. If you drive around South Australia you see them out and about here, there and everywhere. I can recall during the winter seeing one out on the road south of Port Augusta when it was about minus 3º and raining, and you wonder what on earth it was doing at about 2 o'clock in the afternoon. However, I am sure that—

The Hon. M.J. Atkinson: It's unlikely to be raining at minus 3º.

Mr PENGILLY: No; you are quite right. Perhaps it was just over zero.

Mr Goldsworthy interjecting:

Mr PENGILLY: That is right. So, it has been beneficial. I think we should continue to monitor where the levy is going and how it is being used, but I commend the report.

Mr PEDERICK (Hammond) (17:23): I also want to acknowledge the report of the Economic and Finance Committee with respect to the emergency services levy. I wish to add my comments about the upgrades that have been possible with respect to emergency services, especially coming from a farming area, as I do, which is an area covered by the CFS. Recently, my own brigade of Coomandook has upgraded its old truck to a new truck. In a sense, it was a sad day, because the old fire truck was only about 20 years old. It still had a 3,000 litre tank and was in very good order. I cannot remember how many kilometres it had done, but it would have made a very good unit for anyone who purchased it. I do not know whether it is being used somewhere else in the CFS ranks. The beauty of it was that you could jump on the back from the rear of the vehicle but, obviously, because of occupational health and safety concerns—

Mr Pengilly: We used to do that on farm utes.

Mr PEDERICK: —yes—the trucks are entered from the side. Certainly, the new trucks are an upgrade. The whole crew can fit in the dual cab style cabin, and there is even a few minutes' supply of oxygen. I just hope I am not in the truck when it hits the fan: you are really in strife if you have to use that. One extremely important priority for the survival of firefighters when conditions are extreme is protecting the firefighters in the cab, and there are sprinklers mounted around the cab and also fire resistant curtains that can be brought down when there is a burn-over. I note that it is compulsory for every CFS volunteer to participate in a burn-over drill, no matter what piece of equipment they have, so that everyone knows how to survive in a very bad bushfire.

Certainly, these upgrades are far better than the old fire truck. Essentially, all we had was a fire blanket in the cab. If someone was caught in the cab in a bad fire they would have to get underneath it with whomever else was in the cab and try to survive. Certainly, the upgrades have been well received and we have seen improvements. I also note that a water tanker for the group has recently been stationed at my local brigade at Coomandook, so that gives us added fire protection in the Upper South-East and the Mallee.

You have to be involved in a big fire operation like the one on Kangaroo Island (in the electorate of the member for Finniss) a couple of years ago to realise how much emergency services do for this state and this country. There were many fire units from all over South Australia on the island and also trucks from Victoria and New South Wales. This has also happened with other big firefighting incidents elsewhere in South Australia, where trucks from the Eastern States have come over to assist our firefighters. I note that our firefighters have been only too keen when given the call to go to the east to assist in major incidents.

I certainly endorse this motion acknowledging the emergency services levy. It has upgraded things such as communications in fire trucks. I do not think there could be a worse position in a fire truck than to be the radio operator and have three radios barking at you in extreme situations.

Mr Pengilly: Turn two off!

Mr PEDERICK: Yes. It can be quite distracting. Obviously, communication is the key. There are many people trying to talk to each other, and there can be a lot of activity taking place—aerial bombers saving critical places such as infrastructure, homes, shedding, and so on. It is all happening. As I said, it can be confusing, but it is absolutely vital that people keep in touch.

Certainly, with the equipment and the upgrades that go on and on, it does a lot for the firefighters of this state.

I note that a few years ago several trucks were built in Queensland by Mills-Tui. They were not too flash at all, and some of those trucks when delivered had 150 faults; they just were not up to speed. Meningie had one which failed on its first trip and Ceduna received one which was not any good. Let us just hope that more due diligence is completed when contracts are given out for new fire trucks. Certainly, I commend the report.

The Hon. P.L. WHITE (Taylor) (17:29): I thank members for their contribution. It is an obligation of our committee to inquire into the emergency services levy as set each year, and it is one that we perform with some diligence.

In closing the debate, I would like to respond to comments made on 28 October by the member for Waite. In supporting the report and commenting on its positive value, he made some criticism about the motions before our committee. For the record, I would like to make it clear that two other references are before the Economic and Finance Committee. We are in the process of concluding one inquiry and will report shortly—hopefully tomorrow—and in relation to the other inquiry we are at the stage of an interim report, but it is a much larger inquiry that will not be completed in this time frame.

The first inquiry to which I referred is an inquiry into warranties affecting farm machinery. That inquiry is welcomed by the farming sector and the South Australian Farmers Federation. I hope that the proposals we put forward will aid that sector in an area of consumer law.

The second inquiry that the committee is currently undertaking is an inquiry into renewable energy, specifically the barriers to investment and the regulatory impediments to positioning South Australia as a leader in clean energy. They are two very important inquiries. One is nearing completion and the other is a much larger inquiry which is ongoing.

Motion carried.

PUBLIC WORKS COMMITTEE: POLICE ACADEMY REDEVELOPMENT

Adjourned debate on motion of Ms Ciccarello:

That the 333rd report of the committee, entitled Police Academy Redevelopment, be noted.

(Continued from 14 October 2009. Page 4255.)

Ms CICCARELLO (Norwood) (17:32): I thank members for their support for the redevelopment of the police academy. We spent some time looking at the site and considering the future development.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: REVIEW OF THE DEPARTMENT OF HEALTH REPORT INTO HYPNOSIS

Adjourned debate on motion of Hon. P.L. White:

That the 29th report of the committee, entitled A Review of the Department of Health Report into Hypnosis, be noted.

(Continued from 23 September 2009. Page 4033.)

The Hon. P.L. WHITE (Taylor) (17:33): I got halfway through my speech on 23 September. With leave, I will continue. I had given the background to this particular inquiry and explained how the Social Development Committee had been asked to review the department's report in the context of an ongoing inquiry we were doing—an inquiry we spoke about this morning—into bogus, unregistered and deregistered health practitioners. A motion of the Hon. John Hill, Minister for Health, referred the matter to our committee and that is how this report comes about.

While hypnosis can be difficult to define, our committee was told that it is generally considered to be an altered state of consciousness in which an individual has an increased susceptibility to suggestion. Evidence suggests that hypnosis can be a useful adjunct to psychological therapy. It may also assist in the management of a range of symptoms and conditions, including chronic pain, obesity and sleep disorders.

The Department of Health's report notes that the introduction of the Psychological Practice Bill in 2006 needs to be viewed in the context of the National Competition Policy Agreement principles. Those principles state, amongst other things, that legislation should not restrict competition unless it can be demonstrated that it is in the public interest to do so. The department's report also notes that in the mid-1990s the Australian Health Ministers Advisory Council established a set of criteria to be used for assessing whether a profession should be regulated by the legislation. The criteria, which was re-endorsed in 2007, posed a number of questions, including one which asked: do the activities of the occupation pose a significant risk of harm to the health and safety of the public?

In 1996 the advisory council decided that there was no need to regulate hypnosis and hypnotherapy on the grounds that there was no demonstrable harm. The Department of Health's report goes on to summarise the main reasons that support the removal of current restrictions on the practice of hypnosis. First, hypnosis is not considered to pose a significant risk of harm to the health and safety of the public. Secondly, hypnosis can be difficult to define so it is possible for similar services to be provided under different names. Finally, other professionals may wish to use hypnosis as part of their treatment but are unable to do so under the current legislative restrictions.

On this last point the committee notes that the current legislative restrictions on the practice of hypnosis prevent a range of health practitioners, including specialist mental health care nurses, from using hypnosis to assist their patients. Conversely, current legislation allows a number of registered professionals to practise hypnosis, irrespective of whether they are appropriately trained to do so.

In Australia and other comparable countries, very few jurisdictions regulate the use of hypnosis and hypnotherapy. Accordingly, the committee notes that the current restrictions placed on the practice of hypnosis and hypnotherapy in South Australia are out of step with other interstate jurisdictions.

The committee received only a small number of written submissions. For the most part these submissions supported the lifting of existing restrictions. However, one submission from the South Australian Society of Hypnosis strongly opposed the removal of those restrictions on the grounds that it would be make it possible for untrained and unskilled individuals to practise hypnosis.

While the committee notes the society's concern, it considers that there is a strong case for current restrictions on the practice of hypnosis to be lifted. However, the committee is also of the firm view that lifting the current restrictions on the practice of hypnosis should not occur in isolation. The committee believes that other measures should be put in place to protect the public in the interim.

To that end, the committee has called for the introduction of a new regulatory framework to ensure that only those who are properly trained and have met the appropriate standards of education are able to practise hypnosis. In addition, to ensure that there are no adverse effects from the lifting of current restrictions, the committee has recommended that an evaluation be undertaken within two years of the introduction of the new regulatory framework to assess its impact.

Mr PEDERICK (Hammond) (17:38): I acknowledge the member for Taylor's contribution on the hypnosis report of the Social Development Committee. We both made contributions earlier today on the inquiry into bogus, unregistered and deregistered health professionals and, in much the same way, a lot of similar issues were raised during the hypnosis inquiry into the regulation (or lack of regulation) that was involved in that industry.

As the member for Taylor indicated, there needs to be a regulatory framework brought into place so that the industry can be brought under some control because there could be issues with people operating in an unprofessional way. They might think they are doing a great job, and you see all kind of things on television shows where people make out they can hypnotise 10 people at a time or something like that, and I wonder whether anything is happening at all. As with the inquiry we spoke about earlier today, I think that framework needs to be put in place so that it can be a management regime in the line of hypnosis. I commend the report.

The Hon. P.L. WHITE (Taylor) (17:39): I thank members for their contribution. This was an important piece of work. Our finding was to reinforce the department's report into hypnosis, and I look forward to the minister's further action in this regard.

Motion carried.

Mr PENGILLY: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (CHILDREN'S PROTECTION) BILL

Consideration in committee of the Legislative Council's amendments.

Amendments Nos 1 and 2:

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

That the House of Assembly disagree with the Legislative Council's amendments Nos 1 and 2, and make the following alternative amendment:

Clause 12, page 6, line 27 [clause 12, inserted section 9AAC(2)(c)(ii)(A)]—After 'sexual abuse' insert:

or physical, psychological or emotional abuse or neglect

The advance made by the bill in offering restraint of the predatory adult to protect children at risk of sexual abuse or drug activity is already a considerable one. Amendments Nos 1 and 2 will fundamentally change the nature of the restraining order and allow it to be used in ways not contemplated by commissioner Mullighan when he identified the problem the bill seeks to remedy.

The amendments will allow a court to make a child protection restraining order against a person on the simple grounds that it is not in the best interests of the child to reside with that person. The order can be made against a person even though there is no evidence that residing with this person puts the child at risk of harm. No other form of personal restraining order under South Australian law or any other Australian law may be issued without the court having first to be satisfied, at the very least, of a risk that the person being restrained would, without restraint, harm the other person.

If amendments Nos 1 and 2 become law, how is the court to determine whether living with a particular person is in the child's best interests? The court will have to evaluate all possible other living arrangements for the child. What if, in that inquiry, it finds that neither living with this person nor living with the parent who is seeking the restraining order is in the child's best interests? Where to then? Is this something we want a busy court of summary jurisdiction to be doing? How does this relate to the Youth Court's jurisdiction in child protection matters?

Although the court should make the child's best interests a primary consideration in deciding whether to make a child protection restraining order and in determining its terms—and the bill already requires this in new section 99AAC(3)—it should not also be a ground for a child protection order. Making it a primary consideration is enough.

A child who is prey to people who exploit him or her sexually or expose him or her to drug activity is already amply protected by the bill. Under the bill, to make a child protection restraining order against such a person the court simply needs to be satisfied that residing with this person puts the child at risk of sexual abuse or drug activity, or exposure to either.

The bill does not require proof of a conviction before an order can be made. The bill deliberately allows the order to be made when there is a risk of harm only without proof of conviction. If there is a relevant conviction for a child sex or drug offence, then the risk of harm is assumed. It is a given. There is no need to prove a risk of harm. Proof is on the balance of probabilities and not on the high criminal standard, as for all kinds of restraining orders.

The grounds for restraint proposed an amendments Nos 1 and 2 from the other place will be used by some parents inappropriately and in these cases will increase the workload of the courts unnecessarily. But, most importantly, if child protection restraining orders can be used against people who offer genuine shelter to troubled runaway children and who present no risk of harm to them, albeit that the living arrangements do not satisfy everyone, then the only people to whom these children can turn are—guess who?—the very people for whom the best interests of the child has no importance whatsoever—predators who will exploit the child.

The government is prepared, if amendments 1 and 2 are disagreed with, to broaden the scope of the bill by adding an additional ground for restraint that is based on a risk of harm. The amendment I recommend will make it an additional ground for restraint that, as a consequence of the child's contact or residence with the defendant, the child is at risk of physical, psychological or emotional abuse or neglect. This would cover the kinds of exposure other than the exposure to

unlawful sexual or drug activities, which are already covered by the bill, that some members have raised in the debate.

Importantly, I think, the need for restraint to a risk of harm keeps the best interests of the child as a primary consideration for the court rather than as a ground of restraint. I recommend that the House of Assembly agree with amendments Nos 3 and 4 made by the other place to the bill.

Ms CHAPMAN: This, as members will recall, is a bill that was introduced by the government subsequent to the inquiry by Mr Ted Mullighan QC, who had been appointed to investigate children in state care who had been exposed to sexual abuse. That report made a number of recommendations. One of the aspects that he considered important to appreciate is that children who run away from home and are left on the streets are at risk and that, in a nutshell, it is too dangerous to leave them there.

His report, after receiving interviews from a number of children, recommended that there be legislative provision to impose obligations on persons not to interfere with the guardianship of children and that there be new offences in respect of harbouring of children and for those who essentially aid and abet children to remain not just on the street but also at risk, and to impose some obligation on persons who are responsible to ensure that they be returned to safe care. I paraphrased that, but that is the gist of the second and third trunks of this legislation.

The first bit of it, a rather novel approach, was not the idea of Mr Mullighan. I cannot recall exactly where it came from—it is in the previous debates on this matter—but someone in the department decided that a way to deal with children who are at large and potentially at risk was to allow for a regime that would impose restraining orders on certain persons, having noted the report from Mr Mullighan that persons who were sexual predators and/or those who had a history of dealing in drugs were a monte for exposing to risk children the subject of his inquiry. Having recommended, therefore, that there be some protection in these circumstances, the government's idea was to have a restraining order arrangement.

The Hon. Ann Bressington in another place—and I read her initial contributions—felt that this was too narrow and that there should be amendments to facilitate the opportunity to seek a restraining order and only have to satisfy the best interests of the child test to reside with the relevant party rather than having any other evidence of risk or harm that might arise out of that, I was going to say cohabitation, but at least occupying the same premises.

The government's view, as I understand it, is that that is far too broad. Its remedy for acquiescing to the Hon. Ms Bressington's request—not just to make it practical, but also to keep some containment on the accessibility of these restraining orders and the applicability thereof—is to come up with this further amendment. I have listened to the Attorney and I can certainly see some merit in what he presents.

My understanding is that, in another place an indication has been given to the Hon. Ms Bressington to be absolutely clear (I suppose for her reassurance but for all of us who are having to vote on this) that the sexual predators, pimps, drug dealers and all these sorts of people are already covered by the bill and that there is no need to prove a conviction to get a child protection restraining order against a suspected paedophile or drug supplier and that this was an assertion possibly mistakenly indicated by the Hon. Ms Bressington.

With that assurance given, I am not sure whether or not it is in the house but I place it on the record here, I indicate that we would accept the resolution presented by the government to disagree with the amendment of Ms Bressington as outlined in amendments Nos 1 and 2 and to support the amendment as tabled by the Attorney-General.

I understand that with that is an indication by the government that it is prepared to make that provisional ground essentially by this amendment to allow for an order of restraint where, as a consequence of a child's contact or residence with the defendant, the child is at risk of physical, psychological and emotional abuse or neglect.

On that basis, we indicate our support for the government's position, particularly as it is important in the closing days of this parliament—and hopefully the last of the government but I will not debate that much longer. This is an important piece of legislation which the opposition has very much supported the thrust of, so with those few words we look forward to the swift passage of the bill.

The Hon. M.J. ATKINSON: I just want to add that I am grateful for the bipartisanship of the member for Bragg on this matter.

Motion carried.

Amendments Nos.3 and 4:

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

That the Legislative Council's amendments be agreed to.

Motion carried.

At 17:57 the house adjourned until Thursday 3 December 2009 at 10:30.