LEGISLATIVE COUNCIL

Thursday 3 June 2004

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I move:

That standing orders be so far suspended as to enable the tabling of papers, petitions and question time to be taken into consideration at 2.15 p.m.

Motion carried.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 1766.)

The Hon. D.W. RIDGWAY: I rise to speak in support of the second reading of the Supply Bill. Honourable members will know that this bill ensures the payment of the public servants and the delivery of government services until the Appropriation Bill is passed by this parliament. I would also like to address some of the broader issues in relation to state services that are paid by this Supply Bill.

One particular government document that will impact the delivery of state services more than any other is the State Strategic Plan. While I generally agree with and support most of the goals outlined in this plan, such as the goal of tripling the state's exports and that of equalling or bettering Australia's employment average within five years, I must question the methods, or the lack thereof, that the Rann government intends to use. The employment figures in South Australia, incidentally, are currently the worst in the nation. In the current financial year, South Australia's job figures have gone backwards to the tune of almost 14 500 full jobs—

The Hon. J.M.A. Lensink: How much was that?

The Hon. D.W. RIDGWAY: It is 14 500, while the rest of the country has created 180 000 full-time jobs. The State Strategic Plan outlines the government's desire to turn this trend around, but it does not detail how this will be achieved.

In funding this money for the public servants we need a viable economy. Exports have fallen from $9.1 billion last year to $7.4 billion this year. With anti-business legislation such as the Fair Work Bill and the hotel industry decimating, and the Gaming Machines Amendment Bill about to be debated in parliament, how does the government expect the private sector to generate the jobs, increase exports and provide revenue to continue to fund the state? In addition, the Supply Bill is funded by an increase in car registration, water charges and drivers' licences. These charges are rising above the consumer price index and making life more stressful for South Australians who deserve affordable water and government services.

The Supply Bill revenue has been funded by the most avaricious government in the history of the state. The Treasurer is fixated with obtaining a AAA credit rating. This goal has led to massive taxation for South Australians—$587 million more than was ever collected by any former Liberal government. Small business also plays an important role in providing a future for the state in funding the $1.5 billion for the Public Service. Small business is a vital part of the South Australian economy, but under this government 13 per cent of small business operators have closed their doors since the Labor government came to office. In comparison, Victoria had a six per cent increase over the same time.

Business enterprise centres around the state are unsure of their continued funding under the Labor government. Where is the support for South Australia's small businesses which have a large flow on effect to the rest of the South Australian economy? Even yesterday we heard about the government closing the Office of the Small Business Advocate and abolishing that position.

Another area of concern in relation to the Public Service, particularly from my background, is the condition of our rural health care services in South Australia and all the very loyal public servants who try to deliver those services to our communities with diminishing support from this government. A glaring example of that is the Mount Gambier District Health Service. In particular, the member for Mount Gambier, now incidentally a Labor minister, who promised to secure funding for the Mount Gambier District Health Service for the people of the South-East, is on record saying that he would quit the Rann cabinet if he could not do that. I am sure that all he was really after was the salary, the white car and boosted superannuation. A senior lecturer—

The Hon. R.K. SNEATH: I rise on a point of order, Mr President. This is not in relation to the Supply Bill. Clearly, the member is debating the issue.

Members interjecting:

The PRESIDENT: Order! The honourable member makes a relevant attempt to direct my attention to the fact that the honourable member is straying from the bill from time to time. This is one of the occasions in relation to the sins—or alleged sins—of the member for Mount Gambier and his liking or not for the trappings of office, which is not part of the sustenance of the Public Service. The honourable member will take that into consideration when making his contribution.

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. If one looks at Brad Selway's book one will understand that the salaries of members of parliament are not part of the Supply Bill, but the provision of white cars and the other broad range of perks made available to the member for Mount Gambier actually do come from supply. With the greatest of respect, if the Hon. David Ridgway talks about his salary he probably is out of order. But if he talks about the perks, then it is a matter for supply.

The Hon. P. HOLLOWAY: Sir, I wish to make a contribution with respect to that point of order. Regardless of whether it is in accord with the rules relating to supply, I suggest that it is unparliamentary to attribute improper motives, particularly to a member of another house.

The Hon. D.W. RIDGWAY: I'm sorry, I could not hear that, Mr President.

The PRESIDENT: The point of order was that the member was attributing improper motives, and I suppose that is subjective. I am sure that the member will desist from any implication or any suggestion that that might happen. The member will disregard two-thirds of the contribution made by the Hon. Mr Redford, and I am sure that he will pay attention to the other third. He will remember that he is debating the Supply Bill. The member is doing a very good job of trying to divert my attention from the fact that he is straying, but he is not succeeding.

The Hon. D.W. RIDGWAY: Thank you for that very sound advice, Mr President. While I am talking about the

Mount Gambier Health Service and the provision of services for rural South Australia, I would like to bring to the attention of members some comments made by Dr Hayden Manning, a senior lecturer in politics at Flinders University. When talking about the member for Mount Gambier, he said:

> If I was living in rural South Australia, I reckon Rory McEwen deserves a letter or a ring, because after all McEwen's an Independent elected down there at Mount Gambier who sits in the Rann government cabinet room, he's a minister and rural health, from reading the budget and all accounts. . . has been cut back or least . . . in real terms not improved.

All those public servants and people who are working diligently for rural health, especially in the South-East, would again feel like they have been let down by the member for Mount Gambier. If every South Australian wrote to Mr McEwen, he would be buried in letters about the lack of action from this government in rural areas.

I was also surprised to see that the member for Mount Gambier had the audacity to issue a press release saying that he would not be able to give evidence to the select committee this year. He said in the press release (and, of course, they would be public servants who are employed by the parliament): 'I have asked for three hours but been told that the committee doubted if they could give me that amount of time.' I think it is important that we should—

The PRESIDENT: I will not wait for the point of order. The member knows that he is straying into areas that have nothing to do with the matter before this parliament. The member will desist from that line or I will have no alternative, on a point of order from the Hon. Mr Sneath or some other concerned member, but to take the ultimate step of making the member resume his seat. He may continue in accordance with the standing orders.

The Hon. D.W. RIDGWAY: Thank you again, Mr President, for that very sound advice. Rural health in all areas has been routinely ignored by this government in the last 12 months. Funding for metropolitan hospitals increased by 2 per cent in the previous 12 months, while funding to country hospitals was slashed by 3 per cent. While health promotion has been cut, the government's biggest increase in the budget health portfolio is to its consultants.

When speaking of delivery of government services, one point that comes to mind is the government's performance in the last 12 months with respect to transport. It was woeful under the former minister, and it has evolved into a series of haphazard announcements under the current minister. The transport plan is yet to be delivered, and the sector will lack a clear outline and goals for transport, infrastructure and development until such time as the minister sees fit for the plan to be released.

At a recent Property Council dinner in Port Lincoln on 7 May 2004, the Minister for Infrastructure was quoted as saying (when asked about infrastructure): 'South Australia will take the place of Queensland, where investment has fallen off.' That is certainly not true. On a recent trip to Innamincka in the north of the state, I noted that the sealed roads in Queensland are now within 150 kilometres of Innamincka, but in South Australia they are still some 500 kilometres from Innamincka. What sort of message does this send to our tourist operators and regional development centres in that part of the state? I think this government is neglecting those important people—the school teachers, doctors, nurses and all the other public servants who work in the Outback of South Australia—with respect to the provision of services, especially roads. Country roads should be of great importance to this government. Instead, it has disregarded the transport needs of rural constituents and freight operators and, recently, there has been a cut to the funding of unsealed arterial roads.

I now wish to talk about a matter that was brought up in this place yesterday by the Hon. Paul Holloway in relation to a question that was asked during question time. He digressed somewhat when he said:

> I do not think we should let. . . go without saying something about the Leader of the Opposition and the tactics in this place. I can say that the electors of South Australia will never forget the enormous damage—

The Hon. R.K. SNEATH: Sir, I rise on a point of order. That contribution has nothing to do with the Supply Bill. There are three clauses in the bill. I ask the honourable member to stick to the clauses.

The PRESIDENT: To be perfectly honest with members of the committee, I have to apologise: the leader of the Australian Democrats was discussing another important parliamentary matter with me and I did not hear what the member said. But I am sure that the Hon. Mr Ridgway would not defy my sound advice that he should not divert from the clauses of the bill. I shall now be listening extremely carefully and, if another indiscretion along the lines of the previous indiscretions occurs, I will take the appropriate action.

The Hon. D.W. RIDGWAY: Thank you, Mr President. In trying to demonstrate the wonderful situation that the budget was in when this government came to office and its ability to easily fund the $1.5 billion for the Public Service, I was quoting what the Leader of the Government said yesterday: that South Australian electors will never forget the enormous damage that was done by the former treasurer. During the Labor Party's previous attempts at government, our state debt went from $2.6 billion to $9 billion, which the Minister for Industry and Trade neglected to mention yesterday in his illogical, rambling tirade about the Leader of the Opposition with respect to the sale of ETSA—which, of course, provided significant financial benefits for the state. The minister knows full well that that was a result of the profound economic mismanagement of the Bannon era.

I again wish to read from the transcript of Dr Hayden Manning's interview on the radio—in particular, what he said about the AAA credit rating that this government so passionately pursues. He was asked whether he thought the Treasurer would be able to achieve it, and he said:

> If you were a betting person you might start to put your money on it. It is going to be in that direction and it has been really ever since Foley has been Treasurer; but we can go back even further to the previous Treasurer and Premier Olsen. They sold ETSA, and they sold ETSA for one big objective; to bring the state debt down. And what Mr Foley does not remind us voters, of is the only reason he is within cooee of the AAA rating given by the international agency Standard & Poor's. . .

Without the significant benefits created by the sale of ETSA, the government would not have the money to fund supply.

Regarding the budget papers that we received last week, whilst I acknowledge that we are talking about supply and not appropriation, I think it is important to mention a graph (figure 2.1) that shows the government sector's net interest expenses, at the time we last came to government, falling from nearly $700 million a year—$2 million a day—to a fraction over $100 million a year at the time this government took office. These are important reasons why we are able to quite easily fund supply—and also, obviously, in the future.

Yesterday, when the Leader of the Opposition said that South Australian electors will never forget the enormous damage done by the former treasurer, he overlooked the fact that the electors of South Australia have long memories about the $600 million to $700 million in interest payments that they were paying with respect to the State Bank debt. The sole reason why the former Liberal government sold ETSA was that it was a means of lifting that burden from South Australian taxpayers.

The PRESIDENT: Order! The member will resume his seat.

The Hon. A.L. EVANS: I want to briefly comment on the government's budgetary policy with respect to economic development and its neglect in particular areas. There are ongoing issues about the lack of support for carers of disabled children. There has been a lot of comment lately about elderly parents caring for profoundly disabled adult children and the reduction in the provision of day care or respite.

Also highlighted in the news recently and over the past few years has been the struggle of many parents of autistic children. The current research on autism shows that early and intensive intervention, preferably beginning well before the age of four years, is crucial to the future integration of these children into mainstream schooling and society. Parents are struggling to cope with the intense demands of parenting these children, but I am told that the resources to assist them remain inadequate. Homelessness and housing stresses are increasing for low income families in South Australia. The provision of public housing is becoming more and more inadequate.

Will the AAA rating be worthwhile in the longer term if the more vulnerable parts of our society are allowed to unravel? The government is said to have spent about $90 000 on post-budget advertising and is running a surplus, but full-time employment is not growing adequately and small businesses are under pressure. The needs of the disabled and their carers and housing affordability for ordinary families have been addressed only with token responses. I wonder about the priorities of this government when these areas are continually neglected.

The Hon. SANDRA KANCK secured the adjournment of the debate.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

In committee.

Clause 1 passed.

Clause 2.

The Hon. A.J. REDFORD: During the course of closing the second reading debate, the minister said in relation to resources that might be required for the Parole Board:

> The requirements are being discussed with the board and are being considered by the government.

Bearing in mind that this statement was made on 30 March, my question is: is the minister now able to give us a clearer picture as to what resources are being put in place prior to the commencement of the act?

The Hon. T.G. ROBERTS: I am able to supply the honourable member with a figure in relation to the ongoing funding for 2004-05. It is $269 000 extra.

The Hon. A.J. REDFORD: And that is on top of what existing total?

The Hon. T.G. ROBERTS: We do not have that current figure. We can get it for the member.

Clause passed.

Clauses 3 to 9 passed.

New Clause 9A.

The Hon. A.J. REDFORD: I indicate that I now have conduct of this matter on behalf of the opposition. I move:

> Page 6, after line 10—
> After clause 9 insert:
> 9A—Amendment of section 64—Reports by Board
> (1) Section 64(1)—after paragraph (a) insert:
> (b) the number of applications for parole during the previous financial year that were refused by the Board; and
> (2) Section 64—after subsection (1) insert:
> (1a) The Minister must, within 12 sitting days after receiving a report prepared under subsection (1), cause a copy of the report to be tabled in each House of Parliament.

The debate was fairly clearly outlined during the second reading stage. I understand that the government accepts this amendment, so I will not take up the time of the committee other than to draw members' attention to it.

The Hon. T.G. ROBERTS: The government supports the amendment.

New clause inserted.

Clause 10.

The Hon. IAN GILFILLAN: I move:

> Page 6—Delete the clause and substitute:
> 10—Repeal of section 66
> Section 66—delete the section

The section that my amendment deletes is that concerning the automatic release on parole for certain prisoners. As I indicated in my second reading contribution, my amendment aims to change the automatic release. Section 66 provides that prisoners serving less than five years get automatic parole. The government's clause 10 allows the Parole Board to determine parole for prisoners who have committed a sexual offence, but my amendment gets rid of that special treatment of prisoners serving less than five years so that the Parole Board would see all prisoners before release on parole. I recollect that I put some argument as justification of that in my second reading contribution and I will let it rest at that.

The Hon. T.G. ROBERTS: The government opposes this amendment to repeal section 66 dealing with the automatic release of prisoners serving less than five years. The government bill amends the act so that prisoners serving a sentence of less than five years for a sexual offence will no longer be entitled to automatic release. The government is of the view that the Parole Board should be able to exercise all of its statutory powers and directions in relation to prisoners serving sentences for sexual offences.

The amendment moved by the Hon. Ian Gilfillan goes further in that it removes automatic parole altogether. This will mean that the Parole Board will be involved in all decisions on release. The amendment will have significant resource implications, not to mention the wearing down of the Parole Board itself. I understand that the Parole Board deals with approximately 130 applications for release each year, which usually involve a personal appearance before the board as part of a formal hearing to enable a decision on release to be made. Currently, approximately 600 people get automatic parole each year. The Parole Board sets conditions of release for such prisoners, but the process does not usually involve

an appearance before the board, and nor does it require the preparation of detailed reports or as much consultation with specialists.

The amendment could result in an additional 600 or so people appearing personally before the board in a formal hearing process. This would result in a significant increase in the workload for the board and the department and would require significant reworking of how the board operates and is structured. The approach adopted in the bill will allow types of offences, that is, other than sexual offences, to become subject to the Parole Board's jurisdiction in the cases where the prisoner is sentenced to a term of imprisonment for more than three years. Specification of such offences will be prescribed in regulation from time to time and as required. The specific resource implications for the criminal justice system could then be considered on a case by case basis with reference to particular offence categories. The government thinks this is a more appropriate course of action and I hope that the member would consider it an appropriate course of action, as well.

The Hon. IAN GILFILLAN: I appreciate the contribution made by the minister to this amendment. I recall quite clearly that the initiative for our amendment was supported by Frances Nelson, who is Chair of the Parole Board. It is agreed that there may be an increase in workload but the motive was that there is an incentive where parole is part of the sentencing procedure for sentences up to five years. I believe that I expanded on my justification for the amendment in the second reading contribution and, with due respect to the minister, I am not sure that I have fully understood what he has indicated are the ramifications from the amendment. Perhaps he might like to expand on it again. Is there a different approach now that the government is taking to these sub five-year sentences that I have not yet had a chance to consider? I am not sure whether this is a new initiative.

The Hon. T.G. ROBERTS: The advice that I have been given is that at the moment the prisoners do not appear personally. That would be a fairly hefty obligation on the Parole Board, given the increase in the number of prisoners as a result of this. The report writing is quite onerous and the interviews with specialists to get the parole conditions set are time consuming, as well. The honourable member's amendment would open it up considerably if it were passed. If the government's amendment stands, as the honourable member understands, it would narrow the number of people who come before the Parole Board.

The Hon. IAN GILFILLAN: I apologise to the committee. I had no indication that we were going to be dealing with this legislation. I was told that we were dealing with the Natural Resources Management Bill, so I do not have at hand the amendment that the minister is telling me the government is moving.

The Hon. T.G. ROBERTS: We can report progress.

The Hon. A.J. REDFORD: I have no problem with progress being reported, but there are a couple of things that I would like to put on the record. When someone is sentenced to gaol, generally speaking they are sentenced to a non-parole period, and if they are sentenced to a non-parole period of more than five years, they go before the Parole Board. This measure is designed to ensure that, if they are convicted of a sexual offence, they also have to go before the Parole Board, even if the sentence is shorter than that. We are arguing whether or not that principle should be broadened.

I understand that the government's position, which I accept on face value, is that that would involve significant resources, and it would be irresponsible of the opposition to support a measure that would cause a significant amount of resources to be diverted. I also understand that there are currently 130 appearances before the Parole Board per annum and the likely effect of the Hon. Ian Gilfillan's amendment is that that would extend that number to some 600 persons. I am not sure what the number of appearances will be extended to by the government measure, so that is my first question. If 200 sex offenders fall into this category—I suspect that there are not—then perhaps the Hon. Ian Gilfillan's amendment will not create a great deal of extra resources. I am happy for the minister to take these questions on notice.

Secondly, although I appreciate the difficulty of this, it would be nice if we could have some indication of both the monetary and human resources that might be required if the Hon. Ian Gilfillan's amendment is accepted, because it is a significant and in my view a very important amendment that warrants some careful consideration by this place.

The third issue is this, and I know that the minister referred to it in his second reading speech closing the debate. From what I understand, 600 prisoners per annum are released automatically, and those prisoners do not appear before the Parole Board. I make no criticism of the Parole Board in this but I assume that that is a resource issue. It seems to me that we need to have more information for this committee stage as to what processes take place in relation to those 600 automatic releases. I would be surprised that it would just be a rubber stamp. I would assume that someone looks at each of their files and assesses the nature of the crime and the background of the prisoner and comes to a decision as to what should or should not happen in relation to conditions. I would be interested to hear a little bit more information about what currently happens in relation to those 600 prisoners.

I say that for this reason. If this measure is passed and the Parole Board is put under significant pressure, the risk is that it is likely to turn into a sausage factory and just churn these things through, and I would not like to see that happen, either. Let me say this by way of general comment. What most people do not understand, although I am sure everyone in this chamber does, is that by far and away the bulk of prisoners are sentenced to less than 12 months, so we are only dealing with a small core of prisoners in percentage terms in relation to those who come into contact with the parole system. The greatest challenge for those responsible for corrections and the management of corrections is, in relation to prisoners who are sentenced to less than 12 months, how can things be changed so that these people have a better chance of not reoffending when they get out of gaol. I would be interested to hear from the government on this because in some cases it touches on what the Hon. Ian Gilfillan has moved.

I have not indicated a view from the opposition one way or the other on this, which indicates that the opposition is not firmly convinced one way or the other—I feel like a Democrat at the moment—but some of that information would be useful. I am not trying to delay this bill but, if the Hon. Ian Gilfillan's measure is successful, it will bring about a very significant policy change to the act, one which warrants careful attention from us all.

The Hon. IAN GILFILLAN: Perhaps I can explain a little further for the benefit of the committee. I understood, and I realise now in error, that the government had introduced some sort of fresh amendments, but the minister was talking to, I assumed, the amending bill. Now, with that level of

understanding in my head, I have no problem with proceeding with the committee stage.

The Hon. T.G. ROBERTS: I thank the honourable member for his level of understanding with respect to the government's position. However, there is some uncertainty in the mind of the Liberal Party in relation to the impact of the amendment and the figures that are required, which I do not have. I am unable to provide an operational explanation for the release of prisoners who have sentences as indicated by the honourable member. I will try to get a briefing. We were going to report progress for the benefit of the Hon. Andrew Evans, who has some questions on clause 11.

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. ROBERTS: I think the honourable member has had that briefing and placed his concerns on the record. He has had discussions. Perhaps the honourable member could make an appointment to meet with the officers after we report progress. Yes, we are jumping.

Progress reported; committee to sit again.

NATURAL RESOURCES MANAGEMENT BILL

In committee.

(Continued from 1 June. Page 1724.)

Clause 45.

The CHAIRMAN: When last the committee met we had made significant progress. We were dealing with clause 45. The Hon. Mrs Schaefer had moved an amendment and some discussion had taken place. I note that the Hon. Mrs Kanck has an amendment in exactly the same form so, at this stage, it will not be necessary for her to move it. Are there any further contributions?

The Hon. SANDRA KANCK: As members would recall, last Tuesday we more or less ground to a halt when we were dealing with this clause. I have now had some amendments drafted which, in many cases, are identical to the opposition's amendments but which then divert, I hope, in a way so that they will be a compromise. We were dealing with the Hon. Caroline Schaefer's amendments, and I think that the one with which we are dealing now is almost pre-sequential, but not quite, because a number of them follow in the same vein. What the honourable member is doing is transferring responsibility for some of these provisions from the minister to the relevant NRM boards.

When we dealt with this on Tuesday, I did seek clarification from the Hon. Caroline Schaefer that she was intending that this should be done in consultation with the minister, and she verified that that was in fact the case. However, that did not appear in the wording. It was fairly clear to me from the response that the Hon. Caroline Schaefer gave that she was certainly happy for the minister to be consulted—

The Hon. Caroline Schaefer: Happy-ish.

The Hon. SANDRA KANCK: 'Happy-ish', she says. At that point, we reported progress and I have since had these amendments drafted. My amendment differs from the Hon. Caroline Schaefer's in that it specifically states that the regional NRM boards will consult with the minister before taking any action in relation to the establishment of NRM group areas and NRM groups. The regional NRM boards are also required to follow guidelines in relation to the establishment of NRM group areas and NRM groups, and I believe that this process would provide the checks and balances that the opposition is looking for to ensure that the establishment of groups and group areas fits within the framework of integration provided by the legislation.

I believe that the amendments that I have put on file will positively improve the bill. They will ensure that the process is clearly community driven, which I believe is what the Hon. Caroline Schaefer was seeking to achieve, but they will also ensure that the minister, through the consultation process and guidelines he has prepared, will be able to ensure that the intent of integration provided by the legislation is maintained.

The Hon. CAROLINE SCHAEFER: I was consulted yesterday by the minister and his officers, and I appreciate that. The aim of the opposition has always been to give as much autonomy as possible to the operators of land management and natural resource management on the ground. We would much prefer this to be a bottom up act than a top down act, and I think these amendments move some way towards that. They certainly give a great deal more autonomy and self-management to the boards than was there previously. I think we recognise that certainly the minister needs the ability to have input and to be consulted. I was a little disappointed in the fine print of the clause, whereby the minister has the final act of veto, but I recognise that this is a great move forward from where we were when this bill was first debated in another place, and even from where we were on Tuesday night, so I will accept the amendments.

The Hon. NICK XENOPHON: I indicate that I support the Hon. Sandra Kanck's amendment. I think it is a good, sensible balanced approach. It does not give the opposition everything that it wants, but I think it goes some considerable way in terms of ensuring that this remains a grassroots process, so to speak, and it gives greater autonomy to the board. I believe it is a great improvement and I support it.

The CHAIRMAN: I point out to the Hon. Mr Xenophon that it is the Hon. Mrs Schaefer's amendment with which we are dealing.

The Hon. NICK XENOPHON: Thank you, Mr Chairman.

The Hon. T.G. ROBERTS: We will be supporting the Hon. Sandra Kanck's amendment and opposing the amendment of the Hon. Caroline Schaefer.

The Hon. Caroline Schaefer: They are identical.

The Hon. T.G. ROBERTS: I thought there was a wording change.

The CHAIRMAN: There is a sequence of amendments which mirror each other as in they take it further down the track. At this stage we are dealing with the same amendments.

The Hon. T.G. ROBERTS: Thank you, Mr Chairman, for that guidance. I thank members for the cooperation they have given in reaching a solution to this issue. The government does believe that the boards and the community will be involved: it will be community driven. However, checks and balances are needed, and accordingly the government will support the amendment. Once it is all set up, community participation is vital, and the government recognises that that will happen. However, when administratively setting the programs in place, you really need a little more ministerial guidance from time to time, if there is no consensus at community level about where, for instance, boundaries are drawn.

The Hon. CAROLINE SCHAEFER: I am the most generous of souls, but every time the minister gets up he convinces me that I am wrong to agree with him. I wish he would stick to the script.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 46—
Line 23—Delete 'The minister" and substitute:
The relevant NRM board
Line 26—Delete 'the minister takes action under subsection (2), the minister may' and substitute:
a regional NRM board takes action under subsection (2), the board may, with the approval of the minister
Lines 33 and 34—Delete subclause (5)
Line 35—Delete 'The minister" and substitute:
A regional NRM board
Line 37—Delete 'the minister's' and substitute:
the board's

The Hon. SANDRA KANCK: As the Democrats have identical amendments, we indicate our support.

The Hon. NICK XENOPHON: I support the amendments.

Amendments carried.

The Hon. SANDRA KANCK: I move:

Page 47, lines 1 to 4—
Delete subclause (7) and substitute:
(7) Two or more regional NRM boards may jointly establish an area under this section (on the basis that the area of the group will include parts of the areas of each of the boards).
(8) A regional NRM board must, in connection with the operation of this section—
(a) consult with the minister before taking action under this section; and
(b) comply with any guidelines prepared by the minister.

I think we have substantially canvassed the issues that this does act as a compromise in bringing about greater regional and community control.

Amendment carried; clause as amended passed.

Clause 46.

The Hon. CAROLINE SCHAEFER: I move:

Page 47—
Line 7—Delete 'The minister' and substitute:
The relevant regional NRM board or boards
Line 12—Delete 'The minister" and substitute:
The relevant regional NRM board or boards
Line 15—Delete 'The minister' and substitute:
The relevant regional NRM board or boards

These amendments are identical to the Hon. Sandra Kanck's amendments. They seek to delete 'the minister' and substitute the words 'the relevant regional NRM board or boards' and are consistent.

Amendments carried.

The CHAIRMAN: My advice is that the following two amendments are consequential on previous decisions of the committee.

The Hon. SANDRA KANCK: I move:

Page 47—
Line 20—Delete 'A notice' and substitute 'Subject to subsection (6)(b), a notice'
Lines 30 and 31—Delete subclause (6) and substitute:
(6) A regional NRM board must, in connection with the operation of this section—
(a) consult with the minister before taking action under this section; and
(b) in the case of proposed action under subsection (5), not proceed without the specific approval of the minister; and
(c) comply with any guidelines prepared by the minister.

Amendments carried; clause as amended passed.

Clause 47 passed.

Clause 48.

The Hon. CAROLINE SCHAEFER: I move:

Page 48, lines 22 to 30—Delete subclauses (1) and (2) and substitute:

(1) An NRM group consists of up to 7 members appointed by the relevant regional NRM board or boards, being persons who collectively have, in the opinion of the board or boards, knowledge, skills and experience determined by the board or boards to enable the NRM group to carry out its functions effectively.

If it is not consequential, this amendment is so close to it that it does not matter.

The Hon. SANDRA KANCK: I have an identical amendment on file which I will not be moving, but I will instead support the opposition's amendment.

The Hon. T.G. ROBERTS: We support the amendment.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 48, line 31—Delete 'A regional NRM board must, before making a nomination under subsection (2)(b)' and substitute:
The relevant regional NRM board or boards must, before making an appointment under subsection (1)

An identical amendment by the Democrats is on file. This amendment is in the context of a discussion we had in relation to an earlier amendment.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 49—
Line 4—Delete 'The minister' and substitute 'The relevant regional NRM board or boards'
Line 4—Delete 'should endeavour to' and substitute 'must'

We have reached consensus on these amendments.

The Hon. SANDRA KANCK: We support the amendments.

Amendments carried.

The Hon. SANDRA KANCK: I move:

Page 49, line 8—After 'management' insert ', conservation or rehabilitation'

I moved an identical amendment in relation to clause 25 a couple of days ago, and it was defeated. I expect the same thing will happen here, but, nevertheless, for the record, I have moved this amendment.

The Hon. CAROLINE SCHAEFER: The opposition is opposed for the same reasons as we were a couple of days ago.

The CHAIRMAN: I assume that the government is opposed for the same reasons.

Amendment negatived.

The Hon. CAROLINE SCHAEFER: I move:

Page 49—
Line 11—Delete 'The minister' and substitute 'The relevant regional NRM board or boards'
Line 13—Delete 'The Minister' and substitute 'The relevant regional NRM board or boards'

The Hon. SANDRA KANCK: The Democrats support the amendments.

Amendments carried.

The Hon. SANDRA KANCK: I move:

Page 49, after line 16—Insert:
(10) A regional NRM board must, in connection with the operation of this section—
(a) consulted with the minister before taking action under this section; and
(b) comply with any guidelines prepared by the minister.

This is probably the most crucial amendment of those I have on file. This amendment specifically provides that the NRM board, when it is making decisions in relation to this section, must consult with the minister and to also comply with any guidelines prepared by the minister. Everything we have done up to this point with the amendments moved by both the Democrats and the opposition will give that increased

community involvement. However, this amendment makes it very clear that the minister has to be consulted and the minister gets a say.

The Hon. CAROLINE SCHAEFER: I probably spoke to this back at clause 25. As I have said, consultation has taken place in the past two days. The opposition would have preferred even greater autonomy for natural resource management boards, but this is considerable progress, in our view, from where we were at the inception of this debate in another place and certainly from where we were a couple of nights ago. We will not oppose the amendment.

Amendment carried; clause as amended passed.

Clause 49.

The Hon. CAROLINE SCHAEFER: I move:

Page 49, line 19—Delete '4 years' and substitute '3 years'

This is another amendment which stems from the opposition's desire to change the time from four years to three years.

Amendment carried.

The Hon. CAROLINE SCHAEFER: Consensus has been reached. I will not proceed with my amendment. We will support the minister's amendment.

The Hon. T.G. ROBERTS: I move:

Page 49—Line 20—After 'reappointment' insert 'subject to the qualification that a person cannot act as a member of a particular NRM group for more than 9 consecutive years'.

The Hon. T.G. ROBERTS: By passing amendment 23 filed in the name of the Hon. Mrs Schaefer the committee has provided that a person cannot serve as a member of a regional NRM board for more than six years in total. The government believes that this provision could cause difficulties in regions with a small population. It is the government's intention to seek to commit the clause for consideration of a further amendment to restrict only the consecutive number of years that a person may serve on a board, after which, there would be a break before that person could be appointed to the board again. It is my understanding that the Hon. Caroline Schaefer supports the concept of this amendment; however, there may be a difference of opinion as to the duration. It is the government's view that the time period should be nine consecutive years: that is, three terms rather than six years or two terms. I understand that discussions involved areas such as Kangaroo Island and the Far North and so on.

The Hon. CAROLINE SCHAEFER: Is this the amendment with regard to nine consecutive years for groups? I am agreeing to nine consecutive years for groups but not for boards. I want six consecutive years on boards. I want to be clear that this is the amendment relating to groups.

The Hon. T.G. ROBERTS: My adviser is nodding his head wildly.

The Hon. CAROLINE SCHAEFER: Thank you. I will support it.

The Hon. SANDRA KANCK: I indicate Democrat support for this amendment. On Tuesday when we were debating an earlier clause about times, lengths of terms and so on, I suggested that a nine year term with a spell would probably be suitable, and I think this has been accomplished.

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 49—

Line 21—Delete 'The minister' and substitute 'The relevant regional NRM board or boards'.

Line 28—Delete 'minister considers' and substitute 'board or boards consider'.

Line 33—Delete 'the minister' and substitute 'the relevant regional NRM board or boards'.

The Hon. SANDRA KANCK: I indicate the Democrats' support.

Amendments carried.

The Hon. T.G. ROBERTS: I move:

Page 49, after line 34—Insert:

(da) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors: or

Amendment carried.

The Hon. CAROLINE SCHAEFER: I move:

Page 49, line 35—Delete 'by the minister'.
Page 50, line 20—Delete 'the minister or'.

These amendments are consequential.

Amendments carried; clause as amended passed.

Clauses 50 to 56 passed.

Clause 57.

The Hon. T.G. ROBERTS: I move:

Page 52, line 28—Delete '30 September' and substitute '31 October'.

I understand this is an administrative matter that provides for better efficiencies.

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 58 to 68 passed.

Clause 69.

The Hon. CAROLINE SCHAEFER: I move:

Page 58, lines 4 to 9—Delete paragraph (b) and substitute:

(b) the authorised officer is acting under the authority of a warrant issued by a magistrate.

I had hoped to be able to consult with the Hon. Mr Lawson before we got this far in the discussion. I will probably have to seek the guidance of Parliamentary Counsel given that there are no lawyers here that I can find. This amendment seeks to allow an authorised officer to enter premises (that is, someone's home) only on the authority of a warrant. It is the opposition's belief that nobody should be allowed to enter someone's home without a warrant, particularly in an era where almost everyone has access to a mobile phone, and a warrant can be acquired by phone.

The government has paid me the courtesy of showing me their amendment. Whilst I am on my feet, I will address that. They seek only to be allowed to enter without a warrant if they are suspicious that someone may be harbouring a category 1 or 2 animal. I cannot remember the whole list, but one of them was a cobra and another a python. If they wish to enter a home such as that, the best of British luck to them! What is the precedent in other legislation? If an authorised officer (a policeman) suggests that someone has an arsenal of weapons in their home, for instance, or has bomb-making materials in their home, can they enter without a warrant? What precedents are there under other pieces of legislation for a person to enter someone's home?

The Hon. T.G. ROBERTS: My non-lawyer lack of training tells me that there is a number of acts under which police can enter if they have a suspicion that there are illegal substances or that illegal activities may be taking place. The Hon. Mr Xenophon may be able to explain better than I. Apparently, authorised officers, if they have a suspicion, can enter without a warrant.

The Hon. CAROLINE SCHAEFER: I do not think that I could be accused of being pedantic or holding up this debate, and I really would like some solid answers to that

question, for the record. Citing a number of other acts is not really satisfactory. I know that a number of people in this chamber would disagree with me, but I see the role of an authorised officer who is carrying out inspections in regard to unauthorised animals, pests, plants, or whatever, entering my home and seizing my pet cobra as being a tad different from that of a police officer. I want to inform those who will read this debate and take my joke seriously that I would be the very last person to want the types of animals that are described in categories one and two allowed into Australia under any circumstances. However, I think there is that fine line. We are talking about an authorised officer—not a policeman—entering someone's home without a warrant on a suspicion and without reasonable proof. I think that, under those circumstances, as extreme as they may be, as legislators, we should have other examples placed on the record.

The Hon. SANDRA KANCK: I am not going to provide all the answers to that question, but one that has occurred to me is fruit fly inspection points, where officers of PIRSA, I think, are able to search luggage in your car.

The Hon. CAROLINE SCHAEFER: With respect, searching luggage in my car is not quite the same as invading my home.

The Hon. T.G. ROBERTS: I am advised that the category has been narrowed right down under the EPA of 1993. One of the provisions in that act is:

> . . . with the authority of a warrant issued under this division or in circumstances in which the authorised officer reasonably believes that the immediate action is required, use reasonable force to break into or open any part or anything in or on any place or vehicle.

They are much broader and stronger powers. This measure is narrowed down to category one or two animals, which are listed, and I would have thought that no-one would abuse those powers.

The Hon. Caroline Schaefer: You don't get the point.

The Hon. T.G. ROBERTS: Does the member want a list of those acts?

The Hon. CAROLINE SCHAEFER: No, I want some examples of other acts where an authorised officer can enter someone's home—not their shed or their office—without a warrant. I want the minister to give me some examples of where that can happen.

The Hon. T.G. ROBERTS: We do not have any live examples where it has been done under the EPA, but the authority is there for it to occur. The Development Act is another measure that has the same powers, but there are no examples. It provides:

> . . . enter and inspect any land or building where the authorised officer reasonably suspects that a provision of this act is being or has been breached, in the case of an authorised officer who holds prescribed qualifications for the purpose of inspecting building work. . .

Under that act there is authority under 'reasonably suspects', similar to this clause.

The Hon. CAROLINE SCHAEFER: I do not want to unnecessarily prolong this debate. I concede and acknowledge that minister Hill has very much tried to accommodate the wishes of the opposition between the two houses. I think that, for the record, the minister should read out that list. The categories are very narrow. They are all imported and extraordinarily dangerous animals. However, I think that, as legislators, we have to be very careful about setting precedents that breach someone's privacy. We are not talking about police officers: we are talking about animal and plant control inspectors invading someone's home on a suspicion that they may be harbouring one of these dreadful animals.

I will not prolong the debate—I am fairly sure that I will not have the numbers, anyway. But between now and the end of this debate I would like the minister to come back with some examples of other instances in other laws where similar authority is held. If he can do that, we can proceed. If not, we will have the clause recommitted and we will have the argument again.

The Hon. NICK XENOPHON: First, can the minister provide details of his understanding of what would be the scope of 'reasonable grounds': what would constitute 'reasonable grounds' for the exercise of this power? Secondly, if an authorised officer enters premises believing that a category one or category two animal is present and those animals are not present but the authorised officer finds evidence of another breach under the legislation, would that be a valid act, in a sense, or could that be challenged? They are my two main concerns with respect to this clause.

The Hon. T.G. ROBERTS: I think that 'reasonable grounds' test is set by the courts. But if someone sees a bit of cobra poo on the doormat, or something like that, that would be a reasonable ground to enter. I am informed that they can act on another breach; if they go in and find that some other part of the act has been breached, they can act on the information that is picked up at that point. Perhaps I will read some examples of the types of illegal animals that have been seized in South Australia.

The Hon. Nick Xenophon: What constitutes a reasonable ground?

The Hon. T.G. ROBERTS: Suspicion of harbouring animals such as rhesus monkeys, rattlesnakes—I am not sure how you detect a rattlesnake: perhaps it keeps people awake—cobras, Burmese pythons, iguana or fire-bellied newts. In *The Advertiser* yesterday, to support the legislation in a timely way, it was reported that three water dragons, two boa constrictors, 85 Japanese fire-bellied newts and a native diamond python (and a partridge in a pear tree) were seized in a raid in Melbourne's south-east. That is a very timely piece of news.

The Hon. Sandra Kanck: What is wrong with fire-bellied newts?

The Hon. T.G. ROBERTS: Probably nothing in winter, but in summer they could be dangerous and cause bushfires! I really do not know what is wrong with fire-bellied newts. I am told that they eat native frogs; that is their preferred food. They are the grounds for the amendment and, clearly, we would like support for it.

The Hon. NICK XENOPHON: I indicate my support for the amendment but, if the opposition has some dramatic new evidence or new arguments in relation to this down the track and it is recommitted, we will see what happens.

The Hon. CAROLINE SCHAEFER: I will not oppose the government's amendment because, clearly, we are talking about very extreme cases. However, my concern still is: what constitutes a suspicion? It is unlikely to happen, but we read in the Victorian newspapers about corruption in their police force. I am not suggesting for one minute that that would happen in South Australia or that one of the department's authorised officers might do this but, if someone has a vendetta against someone else, they can 'suspect' they are harbouring a category one or two animal and go and wreck their place while searching for it and, lo and behold, not find the animal. Under this legislation they can do that without a warrant.

I recognise that the government has come a long way and that the category of animals we are talking about requires extreme actions, but I want the minister to assure me that the power exists in other legislation—say, in the case of an authorised officer suspecting someone making bombs in their home, or whatever it might be. If they have that power under other legislation I will accept it but, if they do not, I will not accept it.

The Hon. SANDRA KANCK: I indicate that I do not support the opposition's amendment. I think what the government has come up with in tightening the categories of animals concerned may solve the problem but, as the Hon. Caroline Schaefer says, there is a possibility that we could recommit clause 69 if we do not get satisfactory answers.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 58, lines 14 and 15—
Leave out paragraph (b) and substitute:
(b) if the authorised officer believes, on reasonable grounds, that a Category 1 or Category 2 animal may be present in the place or vehicle.
Page 59, after line 29—
Insert:
(19) In this section—
Category 1 or Category 2 animal means an animal assigned to such a category under Chapter 8.

Amendments carried; clause as amended passed.

Clause 70 passed.

Clause 71.

The Hon. CAROLINE SCHAEFER: I move:

Page 60, line 37—Delete ', or ought to know,'

This is with regard to hindering, etc., persons engaged in the administration of the act. There is a long list of things which are considered to be hindering and the opposition has no problem with any of those, other than on page 60, line 37 where we seek to delete 'or ought to know'. The subclause would then read:

produces a document or record that he or she knows is false or misleading in a material particular or.

We believe that the huge list of activities which are considered to be hindering is unnecessarily draconian, and it would be extraordinarily difficult to prove or disprove that someone should have known.

I use the example of someone who may keep books, for instance, on a property. There was a time when I did that: I kept records and a cash book on a quarterly basis, sometimes on a monthly basis, for people. I would therefore have access to those records and I may be required to produce those records. But, surely, in a situation such as that, I could not be expected to 'ought to know'. Someone either knows or they do not know. It would be entirely possible for one partner on a property not to know that they were giving false or misleading documents. So, we seek to have those words removed.

The Hon. NICK XENOPHON: I seek clarification from the minister in relation to the Hon. Caroline Schaefer's amendment. I know that 'ought to know' is frequently used in civil litigation, in negligence cases where an employer or a company knew or ought to have known that something was dangerous. It has that meaning in the context of civil liability. Further to the comments made by the Hon. Caroline Schaefer about her amendment, my questions to the minister are these. Is the 'ought to know' provision used in other pieces of legislation with respect to similar offences? Has it been given any legal meaning in the courts in the context not of civil liability but of the criminal liability that flows from this provision? What sort of instances does the minister say would apply with respect to the 'ought to know' provisions? What would it catch within its net that direct knowledge would not catch? In other words, how much broader would 'ought to know' be in the context of this framework?

The Hon. T.G. ROBERTS: It is in other legislation and it is parliamentary draftsperson's language.

The Hon. NICK XENOPHON: Which legislation is that?

The Hon. T.G. ROBERTS: They are looking for that now. They ought to know where it is, really!

The Hon. Nick Xenophon: So should you.

The Hon. T.G. ROBERTS: Not all the bills, surely! The honourable member seeks too much of me. We are supporting the opposition's amendment, but we will look it up for the honourable member.

The Hon. NICK XENOPHON: Given that the government is supporting the opposition's amendment, perhaps the minister can humour me at some other time with a response.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 61, line 5—
Delete 'Maximum penalty: $20 000.' and substitute:
Maximum penalty:
(a) in the case of an offence against paragraph (a) or (e)—$5 000;
(b) in any other case—$10 000.

Paragraph (a) refers to offensive language used by community members to an authorised officer and (b) refers to hindering by the community.

The Hon. CAROLINE SCHAEFER: I did not proceed with my amendment because we have had a test clause on the reduction of maximum penalties of $20 000, and I lost that. However, the compromise put forward by the government of a maximum of $10 000 was passed, so I consider that something of a victory. We have had those maximum penalties reduced by half. Given that is the case, I see no point in pursuing that argument and paragraph (a) seeks to make it an equal penalty for an authorised officer to abuse a member of the public as for a member of the public to abuse an authorised officer. Previously the penalty for a member of the public was considerably higher than the penalty for an authorised officer. It will now come in at a maximum of $5 000 either way, and as such I think that is a move forward and I support the government's amendment.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 61, line 9—Delete '$10 000' and substitute:
$5 000

Amendment carried; clause as amended passed.

Clause 72 passed.

Clause 73.

The Hon. CAROLINE SCHAEFER: I move:

Page 61, line 20—Delete '$5 000' and substitute:
$5 500

This is the second half of my amendments. This seeks to equalise the amount of penalty for a person using abusive, threatening or insulting language to the penalty for an authorised officer.

Members interjecting:

The Hon. CAROLINE SCHAEFER: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 74 passed.

Clause 75.

The Hon. CAROLINE SCHAEFER: I move:

Page 65, lines 14 to 21—
Delete paragraph (f) and substitute:

(f) identify any policies reflected in a development plan under the Development Act 1993 that applies within its region that should, in the opinion of the board, be reviewed under that act in order to promote the objects of this act or to improve the relationship between the policies in the development plan and the policies reflected in the board's plan; and

(fa) identify the changes (if any) considered by the board to be necessary or desirable to any other statutory instrument, plan or policy (including subordinate legislation) to promote the objects of this act and, insofar as the plan may apply within a part of the Murray-Darling Basin, the objects of the River Murray Act 2003 and the objectives for a healthy River Murray under that act;

This amendment was not moved in the House of Assembly. Under the bill as it currently stands, an NRM board could override a development plan of a council. We seek to change this to the NRM board having advisory powers, with the final authority lying with the elected council, given that the council is an elected body representing its ratepayers and the board is appointed by the minister. It is our view that this places the authority back with local people as far as is possible, while maintaining the current checks and balances within the Planning Act. I note that the sustainable development draft bill, which is out for discussion, mirrors this type of provision. There is a view that it should not be pre-empted, but, given that the government agrees that this is a sound way of moving forward, I see no reason why we should not put it in the bill at this time.

The Hon. T.G. ROBERTS: The government opposes the amendment. The provisions in the NRM bill have been taken from the current Water Resources Act. The proposed amendments are taken from the draft Sustainable Development Act, which has recently been the subject of public consultation. The government reiterates its commitment given during the debate in the other place to seek an amendment to the NRM legislation through the Sustainable Development Bill when that legislation has been fully developed through consultation. The LGA supports the government's approach. The amendment has the support of the LGA, whereby regional NRM boards can identify policies in a development plan that a board considers need to be reviewed.

The Hon. SANDRA KANCK: Although this takes the words directly out of the draft Sustainable Development Bill, I do note that that is still a draft bill. The public submissions with respect to that closed on 11 May. It may be that, in the light of feedback on that draft bill, the wording which is proposed in the draft bill and which has been brought into this clause in its entirety will be altered. I think that it is inappropriate to pre-empt those submissions and what may occur as a consequence of those submissions. It may be that the public submissions support this wording as it stands, but it has not been dealt with and therefore I do not think it is appropriate for it to be brought into this bill in this way.

The Hon. NICK XENOPHON: I do not support the amendment. I can understand the motivation behind it. The fact that the LGA is not supporting it gives me some comfort in not supporting it, because it would impact directly on the roles with respect to the interaction between councils and this legislation. As I understand it, the minister in the other place, the Hon. Mr Hill, has given an undertaking that if this clause is passed in an amended form it would be reflected by this legislation, once passed, being further amended. That is correct, as I understand it.

The Hon. T.G. Roberts interjecting:

The Hon. NICK XENOPHON: I will rely on that undertaking and, for that reason, I will not support the amendment.

Amendment negatived.

The Hon. T.G. ROBERTS: I move:

Page 67, line 3—Delete 'should' and substitute:
must

This is a minor change, but a very important change, as pointed out to me.

Amendment carried; clause as amended passed.

Progress reported; committee to sit again.

[Sitting suspended from 12.56 to 2.15 p.m.]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 73 to 86.

BONUS PAYMENTS

176-189 (second session) and 73-86 (third session). **The Hon. R.I. LUCAS:** Will ask all ministers—Did any chief executive officer of a government department or agency (within the non-commercial sector) reporting to the minister have a bonus payment system incorporated in their remuneration package as at 5 March 2002?

The Hon. P. HOLLOWAY: In response to Questions on Notice Nos 176-189 asked during the 2nd session, and Questions on Notice Nos 73-86 asked by the Hon. R.I. Lucas during the 3rd session, the Premier has provided the following information on behalf of the government. I have been advised:

No administrative unit chief executive was in receipt of a performance bonus at the time of the election.

Chief Executives of administrative units as at 5 March 2002.

Chief Executive	Administrative Unit	Bonus
Allan Holmes	DEH	Nil
Barry Windle	PIRSA (Acting CE)	Nil
Catherine (Kate) Lennon	Justice	Nil
Christine Charles	DHS	Nil
Geoff Spring	DETE	Nil
Graham Foreman	DAIS	Nil
Jim Hallion	DIT	Nil
Jim Wright	DTF	Nil
Rob Thomas	DWR	Nil
Tim O'Loughlin	DTUPA	Nil
Warren McCann	DPC	Nil

Also, no subsequent administrative unit Chief Executive appointments have included bonus payments as part of their remuneration packages.

Subsequent Appointments of Chief Executives to administrative units

Chief Executive	Administrative Unit	Bonus
Roger Sexton	DIT	Nil
Jim Hallion	PIRSA	Nil
Robert Freeman	DWLBC	Nil
Greg Black	DFEEST	Nil
Steven Marshall	DECS	Nil

Chief Executives of South Australian State Public Sector Organisations and Funds, Non-Commercial Sector

Organisation	Bonus
Aboriginal Housing Authority	Nil
Adelaide Convention Centre	Performance Bonus[1]
Adelaide Entertainment Corporation	Nil
Adelaide Festival Centre Trust	Nil
Adelaide Festival Corporation	Nil

Animal and Plant Control Commission	Nil
Arid Areas Catchment Water Management Board	Nil
Art Gallery Board of South Australia	Nil
Attorney-General's Department	Nil
Auditor-General's Department	Nil
Carrick Hill Trust	Nil
Correctional Services, Department of	Nil
Country Fire Service Board	Nil
Courts Administration Authority	Nil
Dairy Authority of South Australia	Nil
Education Adelaide	Nil
Electricity Supply Industry Planning Council	Nil
Emergency Services Administrative Unit	Nil
Enfield General Cemetery Trust	Nil
Fire Equipment Services SA	Nil
Gaming Supervisory Authority	Nil
History Trust of South Australia	Nil
Information Industries Development Corporation	Nil
Jam Factory Craft and Design Centre Inc.	Nil
Land Management Corporation	Nil
Libraries Board of South Australia	Nil
Lotteries Commission of South Australia	Nil
National Wine Centre	Nil
Natural Gas Authority of SA	Nil
Northern Adelaide and Barossa Catchment Water Management Board	Nil
Onkaparinga Catchment Water Management Board	Nil
Outback Areas Community Development Trust	Nil
Passenger Transport Board	Nil
Patawalonga Catchment Water Board	Nil
Playford Computer Enterprise Centre	Performance Bonus[2]
Public Trustee	Nil
Racing Industry Development Authority	Nil
River Murray Catchment Water Management Board	Nil
SAGRIC International Pty Ltd	Nil
Senior Secondary Assessment Board of South Australia	Nil
South Australian Country Arts Trust	Nil
South Australian Film Corporation	Performance Bonus[3]
South Australian Government Captive Insurance Corporation	Nil
SA Health Commission	Nil
South Australian Housing Trust	Nil
South Australian Independent Industry Regulator	Nil
South Australian Local Government Grants	Nil
South Australian Metropolitan Fire Service	Nil
South Australian Motor Sport Board	Nil
South Australian Museum Board	Nil
South Australian Police Department	Nil
South Australian Totalizator Agency Board	Nil
South Australian Tourism Commission	Nil
South-East Catchment Water Management Board	Performance Bonus[4]
South Eastern Water Conservation and Drainage Board	Nil
Sport and Recreation Fund	Nil
State Electoral Office	Nil
State Opera of South Australia	Nil
State Theatre Company of South Australia	Nil
Technical Regulator	Nil
Torrens Catchment Water Management Board	Nil
TransAdelaide	Performance Bonus[5]
West Beach Trust	Nil

Notes:

1. The Chief Executive Officer of Adelaide Convention Centre received a performance bonus which was paid on 18 June 2002. This bonus was determined by the Board in January 2002, and made payable at the end of the financial year. The June payment fulfilled the verbal contract of the Board, under the previous Government.

2. The Chief Executive Officer of Playford Capital was in receipt of a performance bonus which took effect as of 2 January 2001 as a part of the contractual agreement. This arrangement was ceased as of 1 July 2002.

3. The Chief Executive Officer of South Australian Film Corporation was in receipt of a performance bonus which took effect as of 30 April 2000. This arrangement is no longer in place as Ms Helen Leake was appointed Acting Chief Executive Officer of the South Australian Film Corporation on 2 February 2004. SAFC has confirmed that she does not have a performance bonus payment system incorporated into her remuneration package.

4. The Chief Executive Officer of South East Catchment Water Management Board was in receipt of a performance bonus which took effect as of 11 January 1999. This arrangement is still in place, as the contract is due to expire on 10 January 2006.

5. The Chief Executive Officer of TransAdelaide was in receipt of a performance bonus which took effect as of 10 September 2001. This arrangement is still in place, with a contract end date of 10 September 2004.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Rules—

Authorised Betting Operations Act—Bookmakers Licensing—Responsible Gambling.

D-DAY COMMEMORATION

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I lay on the table a copy of a ministerial statement relating to the 60th commemoration of D-Day made earlier today in another place by the Premier.

CHILD EXPLOITATION INVESTIGATION SECTION

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I lay on the table a copy of a ministerial statement relating to the child exploitation investigation section made earlier today in another place by the Deputy Premier and Minister for Police.

QUESTION TIME

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about DTED.

Leave granted.

Members interjecting:

The Hon. R.I. LUCAS: My colleagues have used other more common acronyms for DTED, but I will stick to the correct acronym, Mr President, as you would require of me. In response to a series of questions this week, the Leader of the Government has defended his changes to small business services on the basis that there has been a restructure, which has been publicly known for some time. He has also defended it on the basis that there has been a review of the department, which has been publicly known and publicly revealed as well. The review is known as the Bastion review, or the review of the Department of Business, Manufacturing and Trade—one

of the previous names for the Department of Trade and Economic Development.

On a number of occasions, more latterly yesterday, the minister, in responding to questions about the intended removal of the current Small Business Advocate into the transit lounge some time in the next couple of months, sought to defend this decision on the basis that—and I will paraphrase the minister—'everyone knows there has been a restructure. The Leader of the Opposition was aware that it was announced six or seven months ago. There is a report on the public record, which is the Bastion report. There has been a restructure of the department as far as small business services are concerned and, as I said, the decision was taken that the Office of the Small Business Advocate would lie with the executive director of that office, because that would upgrade the status of those functions'.

I direct the minister's attention to a copy of the Bastion review. On page 23, under the heading 'Office of the Small Business Advocate', the Bastion Review recommends, as follows:

> The review team notes that the Office of the Small Business Advocate has been subject to triennial reviews since its inception and notes the possibility of transferring the office to the South Australian Ombudsman's office, has previously been identified. The review team recommends that the Office of the Small Business Advocate be collocated with the Office of the South Australian Ombudsman. This will result in marginal overhead cost savings, but, more significantly, will provide greater autonomy to the Small Business Advocate as it seeks to provide its important suite of services to South Australian small businesses.

My questions are:

1. Did the leader deliberately mislead the council yesterday when he led members to believe that this had been a recommendation of the departmental review known as the Bastion review?

2. Does the leader now concede that the Bastion review recommended that the independent autonomous voice of the Small Business Advocate be protected by a collocation with the South Australian Ombudsman and not by being buried within the departmental structure, as announced by the current minister?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): It is my understanding that, when the Bastion review was considered, that matter was discussed with the Ombudsman's office. As I understand it, there were some problems in relation to the matter, so it was recommended that that part not proceed—

The Hon. A.J. Redford: Who recommended it?

The Hon. P. HOLLOWAY: My advice is that it was when this previous report was considered, which was before I became the minister.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I said that the review recommended a general direction.

The Hon. R.I. Lucas: The minister said that he recommended it.

The PRESIDENT: Order! This is not a debate; it is question and answer.

The Hon. P. HOLLOWAY: We all know that the Leader of the Opposition is a master of distortion and that he will twist, weave and duck. Yesterday, we saw his absolutely appalling performance when he was maligning a senior public servant, under parliamentary privilege, of course, because that is his form. Of course, he would not have the guts to go outside and say it. This leader has lowered parliamentary standards—

Members interjecting:

The Hon. P. HOLLOWAY: Well, let's say they could not get any lower. I made it quite clear yesterday when we talked about the Small Business Advocate that the new director of the Office of Small Business would be the Small Business Advocate. Yesterday the leader claimed—as he often does—that somebody in a senior position leaked information to him. That tells you how senior this person is. Of course, it did not happen; it is fiction; that is the way he operates. We know it is fiction because a so-called senior person would not have got it so badly wrong or they would not be senior.

The Bastian review recommended certain things which were considered by cabinet some time toward the end of last year, well before I became the minister. As a result, that was the outcome. As for the decision in relation to the Director of the Office of Small Business becoming the Small Business Advocate, that was my decision. I take responsibility for that decision, because I believe it is a sensible decision that the senior person within that office should be the Small Business Advocate, rather than somebody of lower rank within the Office of Small Business. That did not seem to me to be a sensible step to take.

The previous decisions, as a result of the Bastian review were the subject of discussions, as I understand it—I will check the record because it happened before I was the minister—with the Ombudsman, and for various reasons it was decided not to proceed with that particular recommendation. That was the situation—

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: Well, that was the decision which ultimately came out of the Bastian review and which was accepted by cabinet. That was the decision that I faced as the new minister.

The Hon. R.I. LUCAS: I have a supplementary question arising from that answer. Is the minister indicating to the council today that it was the cabinet who took the decision that the Executive Director of the Office of Small Business would, in essence, be the Small Business Advocate?

The Hon. P. HOLLOWAY: I just said that I took responsibility for that particular decision. The decision not to implement the recommendation of the Bastian review was part of the decision that was previously taken on the restructure of the department of trade.

The Hon. R.I. Lucas: You want to be very careful; your memory is not very good.

The Hon. P. HOLLOWAY: You're dead right; my memory of that is not very good, because I wasn't there, I wasn't the minister. You are quite right, I do not have a particularly good memory of things when I was not there. My memory is pretty good but not that good.

LITSTER REPORT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Litster report.

Leave granted.

The Hon. R.D. LAWSON: Members will recall that the report of Mr Jim Litster was tabled by the minister earlier this week. That report refers to a 36-hour visit undertaken by Mr Litster to the Anangu Pitjantjatjara Lands from 25 March. In the course of that report Mr Litster records that he had a discussion with the Chairperson of the APY Council,

Mr Gary Lewis, concerning where the proposed coordinator of services would be located. Mr Litster records that Mr Lewis suggested that it should be Marla Bore. Mr Litster states:

I made it clear that working from Marla would not be efficient nor in the best interests of the Community.

He records that he spoke to Mr Lewis on two subsequent occasions, and that Mr Lewis stated that Marla would still be their preferred site for the coordinator. Mr Litster states:

This, of course, would make the position ineffectual.

In the same report Mr Litster refers to the following:

It was evident that there was a degree of friction between some of the administration staff and the APY Council at Umuwa.

My questions to the minister are:

1. Is he aware of the disagreement between Mr Lewis and Mr Litster about the appropriate location for the siting of the services coordinator?

2. Does the minister have a view about what is the appropriate place for the coordinator to be located?

3. What action has he taken to resolve this issue?

4. Is he aware of the friction between the administration staff and the APY council referred to by Mr Litster, has he asked Mr Litster for details of that and what action has the minister taken to resolve that situation?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I was aware that there was a difference of opinion between Mr Litster and, from memory, not only Gary Lewis but also the members of the APY council, as to where a coordinator would physically be situated. That was due in part to the fact that the APY council did not have all the information before it as to what the coordinator's role was to be. I understand that the APY assumed that it was going to be an administrator. They were not very happy that an administrator was being placed on the lands and, when they discovered that the services coordinator was not going to be an administrator, the information that was given to me was that the community's anxiety was dispelled. I was not present when Mr Litster arrived on the lands, but I am told that the council and Gary Lewis welcomed him and that, by the end of the discussions they had with him, they held Mr Litster in high regard. He was able to soothe the troubled waters by his manner, and he explained how he saw his role being carried out.

My view is that, if a coordinator was to be placed on the lands, it would be very difficult to coordinate all activities on the lands from Marla. If you were coordinating state activities you would have to be both in Adelaide and Umuwa, for instance, and you would have to travel considerably throughout the lands to make sure that those services were being implemented in an effective and efficient way, and talking to people across the lands. That will be part of the new coordinator's role, and I expect that there will be quite a bit of liaison with communities across the lands to make that happen. What was the last question?

The Hon. R.D. Lawson: About the friction between the administration and Mr Litster.

The Hon. T.G. ROBERTS: I spoke to Jim Litster briefly about what would happen on subsequent visits if there was friction. I did not intervene in any way: I just assumed that the troubled waters that had been smoothed by Mr Litster in his initial contact with the members of the executive and Gary Lewis would be sorted out over time. Mr Litster had indicated that he would not be in that position for very long and it was then my view that, whatever the next stage was going to be, if there was to be another coordinator, they would have to establish their credentials and gain the confidence of the communities as to how they saw the job being done and how best they could be placed. That is all for future negotiations and discussions.

The Hon. R.D. LAWSON: I have a supplementary question, Mr President. Is it not the case that the next coordinator appointed after Mr Litster was, in fact, the Hon. Bob Collins? Where is Mr Collins to be located? Is it not the case that Mr Collins is currently located at his home more than 1 000 kilometres from the lands?

The Hon. T.G. ROBERTS: Mr Collins' brief is a lot different from the brief of Mr Litster. Mr Litster made it clear that he wanted to know as much as possible about the constituents, and he wanted to do that as quickly as possible. Mr Collins has a different brief in relation to how he will deal with matters, and it is understood that he will operate between Darwin, Umuwa and the lands, Alice Springs and Adelaide.

WORKCOVER

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Industrial Relations, a question about WorkCover.

Leave granted.

The Hon. A.J. REDFORD: I have been approached by a small business owner who runs a pest control business in the northern suburbs of this city.

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: One day something intelligent is going to come out of your mouth.

The PRESIDENT: The Hon. Mr Redford, it normally pays to ignore interjections.

The Hon. A.J. REDFORD: He employed a Mr Graham Round on a salary of $850 a week. My constituent tells me that he caught Mr Round tampering with products and disconnecting all of his telephone lines in relation to his business, which obviously had a drastic effect on his business. As a consequence, not unnaturally, my constituent dismissed Mr Round. Unfortunately, at the time of dismissal Mr Round assaulted my constituent, who defended himself.

Three weeks later, my constituent was advised that Mr Round had made a WorkCover claim alleging an assault. My constituent was interviewed, together with an independent witness, by a WorkCover investigator, Mr Hamden. Following that, in March of last year, WorkCover dismissed Mr Round's claim, obviously on the basis that Mr Round could not be relied upon as a witness. Mr Round also took out an application for wrongful dismissal. That application was dismissed—one could only assume because Mr Round could not be believed. After that, my constituent was arrested by police, alleging that he had assaulted and threatened to shoot Mr Round. Subsequently, that prosecution was withdrawn. It has cost my constituent a small fortune to have assault charges, wrongful dismissal and WorkCover claims dismissed because Mr Round could not be believed.

In November last year my constituent started getting calls from customers who stated that a WorkCover inspector had been asking questions about his customers and work. In December he was interviewed by the same Mr Hamden (who obviously did not believe Mr Round) and told that Mr Round had alleged that he was understating his wages and therefore his WorkCover levies. This is the same Mr Round who could

not be believed, as I said earlier, by the Industrial Commissioner and/or the police.

WorkCover obtained records some months ago. This has severely hindered my constituent's business. WorkCover has also interviewed customers, and this has also had an adverse effect on his business. Indeed, I understand the police have investigated other alleged offences involving employers who have previously employed Mr Round. WorkCover has not given my constituent any advice regarding further steps that may or may not be taken over a number of months. I will give the minister the name of the employer but, in the light of these facts, my questions are:

1. How long should my constituent expect to wait before being told whether or not he will be prosecuted or what action WorkCover is likely to take?

2. Does WorkCover believe that it is appropriate that it should investigate an employer based on the word of a person who has not been believed by the police, WorkCover or the Industrial Commission?

3. How many other inquiries regarding payment of levies has been instigated on the basis of allegations of sacked employees?

4. Does the minister see this as yet another attack on small business by this government?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions to the minister in another place and bring back a reply.

The Hon. NICK XENOPHON: I have a supplementary question. Is it usual practice for WorkCover to question customers of a small business? What are the criteria and protocols before customers of a small business are questioned by WorkCover?

The Hon. T.G. ROBERTS: I will refer that question, also.

GREAT AUSTRALIAN OUTBACK CATTLE DRIVE

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Tourism, a question regarding the Great Australian Outback Cattle Drive.

Leave granted.

The Hon. G.E. GAGO: I understand that the Minister for Tourism announced this morning that South Australia will next year play host to the 2005 Great Australian Outback Cattle Drive. How will this major event assist in promoting tourism to South Australia, particularly the South Australian Outback?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and her interest in the Outback. Today the promotion for the 2005 Great Australian Outback Cattle Drive began and the national launch will be conducted with the affable federal Minister for Tourism, Joe Hockey, in Melbourne. This is an epic journey involving 600 head of cattle, 120 horses and visitors from across Australia and around the world. Mr President, I am sure that you will be interested in attending.

The South Australian Tourism Commission's Australian Major Events will be responsible for the event management and marketing of the event. The event will be marketed extensively in the UK, European and US markets. The South Australian Tourism Commission has negotiated an exclusive arrangement for holders of American Express cards that will see the cattle drive being marketed directly at the high-yielding US market. The cattle drive is expecting to achieve a 12 per cent international attendance at the 2005 event. Interstate visitors are expected to make up 55 per cent of the attendance.

The event will be conducted over six weeks and will run from Birdsville to Marree covering 514 kilometres. Participants will be able to take part in a variety of tours of different duration. The South Australian Tourism Commission will also be supporting community lead events to be conducted alongside the cattle drive in Birdsville, Mungerrannie and Marree. This event, much like the previous cattle drive, will continue to reinforce South Australia as the gateway to the Outback and will promote South Australia as a premium tourist destination.

The Hon. NICK XENOPHON: I have a supplementary question. Can the minister tell us what relevance that answer has to his portfolio or does he just like talking until the cows come home?

The PRESIDENT: That is not a supplementary question.

The Hon. J.F. STEFANI: I have a supplementary question. Can the minister advise the council whether the Afghan community and some of the relatives of the original Afghan camel drivers will be contacted so they can be involved?

The Hon. T.G. ROBERTS: This event provides an opportunity for the Outback and tourism generally in this state to be put on the map. South Australians, people from interstate and tourists from overseas will take part in it, as I mentioned, and I am sure that the inheritors of the first Afghani settlers will turn out in droves because they have a huge interest generally in the cattle industry.

The Hon. A.J. REDFORD: As a supplementary question, can we have a precise costing of this whole project on the part of the government?

The Hon. T.G. ROBERTS: I will refer that question to the minister in another place and bring back a reply.

The Hon. A.J. REDFORD: As a further supplementary question, can we also have a list of all invitees to this event?

The Hon. T.G. ROBERTS: I will refer that question to the minister in another place and bring back a reply.

RESIDENTIAL TENANCIES ACT

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Attorney-General, questions about the review of the Residential Tenancies Act.

Leave granted.

The Hon. KATE REYNOLDS: The Attorney-General announced in parliament on 27 November 2002 that the government was embarking on a comprehensive review of the Residential Tenancies Act 1995. A public discussion paper was prepared and circulated, and submissions were to be lodged by 28 February 2003. The outcome of this review is expected to have considerable implications for people in the housing sector. Organisations representing groups and individuals interested in public housing, community housing, boarding houses and caravan parks have spent considerable

time and resources consulting with their members and with the wider community before making substantial submissions to the review group. However, in the 14 months since the submissions closed, almost no information has been available about the process the government is using to examine these submissions, let alone any response. Therefore, my questions to the minister are:

1. What is the current status of the review into the Residential Tenancies Act?

2. When is either a report on the review or proposed changes to the act expected?

3. What process is anticipated for public comment on either the report of the review and/or proposed changes to the act?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I will pass those important questions on to the Attorney-General and bring back a reply.

The Hon. KATE REYNOLDS: As a supplementary question, will the minister please—

The Hon. T.G. Cameron: Arising out of that answer?

The Hon. KATE REYNOLDS: I have a supplementary question arising out of the answer. Will the minister please provide an explanation about the delay with any progress?

The Hon. P. HOLLOWAY: I will also request that information from the Attorney and bring back a reply.

WATER SUPPLY, ANDAMOOKA

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Minister for Government Infrastructure, questions about the water supply to the Andamooka community.

Leave granted.

An honourable member interjecting:

The Hon. T.G. CAMERON: Well, someone has to speak up for them, I guess. They have been ignored for a long while. The Andamooka community fears that the high price of its water supply is compromising the health of the town's residents. According to the Andamooka Progress Opal Miners' Association, the price is so high that some people can hardly afford to use the resource. The town's water problems stem from the fact that it has to truck water from Roxby Downs to supplement water from rainwater tanks. Residents are forced to pay $13.50 a kilolitre—10 times more than the price Adelaide people pay.

The Andamooka progress association is now seeking assistance from the state government and is asking for a pipeline to be built to provide water from the Great Artesian Basin to the town. They believe that the government could then recover its costs by charging householders an affordable rate. Supply to the town used to be subsidised by the EWS, but it was discontinued in the early 1990s when the department argued that the town ought to be using its dam water. This water, I am informed, is simply not fit for human consumption. The Andamooka progress association says that a lack of water has implications for people's health, with some local pensioners being unable to afford to have water carted to their homes, leading to a lack of hygiene among some community members. My questions are:

1. Have any studies been undertaken to discover whether the health of Andamooka residents has been compromised by its water supply and, if so, what were the results of those studies?

2. Are there any current proposals to rectify or upgrade the inadequate water supply arrangements for the township of Andamooka?

3. Will the government give consideration to the proposal for building a pipeline to provide water from the Great Artesian Basin to the town and, if so, how much would such a pipeline cost and how long would it take to build?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I am aware that this has been an issue for some time. I remember visiting Andamooka in a different capacity as the Minister for Mineral Resources Development some time ago with the local member, and that matter was certainly one that was discussed by the local miners group at the time. As I understand it, the outback areas body has responsibility for it, as, indeed, it does for the Glendambo water supply which the Hon. Terry Stephens has raised with me on several occasions. Those matters have been referred to the minister responsible in relation to that water supply, and I suspect it is the same case in relation to Andamooka. The only other comment I would make before I take the question on notice and obtain an answer for the honourable member is that, with the provision of the new fund, the Spencer Gulf enterprise and outback areas fund, it is envisaged that projects such as that, should they qualify, would be eminently suitable for assistance under that fund.

SOUTHERN SUBURBS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Minister for the Southern Suburbs, a question on information and communication technology businesses in the southern suburbs.

Leave granted.

The Hon. T.J. STEPHENS: I am sure members are aware of the critical importance that information technology plays in the modern economy. It has assisted, along with the strong federal leadership of the Howard government, the Australian economy to grow as it has done over a spectacularly long period. Members may also be aware of the Labor Party's commitment given in its policy platform before the last election to work with the Centre for Innovation to maximise opportunities to establish information and communication technology businesses in the southern region. Given the recent announcement of the closure of Mitsubishi's Lonsdale plant and the closure of the Mobil refinery, I am sure the people of the south would enjoy some good news about what the minister has done regarding progress towards keeping this election promise. If this promise has not yet been fulfilled, when can the people of the south expect some results from the Minister for the Southern Suburbs?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I will refer that important question to the minister in another place and bring back a reply.

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Recreation, Sport and Racing, a question about the Hindmarsh Stadium.

Leave granted.

The Hon. J.F. STEFANI: I refer to the deed of agreement dated 29 March 2001 signed by the Treasurer, the Minister for Recreation, Sport and Racing, the Minister for Government Enterprises and the South Australian Soccer Federation Incorporated. Under clause 3.1.2, the minister was to be satisfied that the federation has procured a letter from Soccer Australia Limited addressed to the federation and the minister that all national, league, international or any other matches to be played in South Australia under the jurisdiction or auspices of or otherwise sponsored or promoted by Soccer Australia Limited shall be played at the Hindmarsh Stadium for a period of at least 20 years, commencing on the date of the deed. Members would be well aware that Soccer Australia Limited has ceased to exist as a legal entity. The Australian Soccer Association Limited has been incorporated as a new entity with a new board headed by Mr Frank Lowy. My questions are:

1. Will the minister advise whether the government holds a letter from Soccer Australia Limited, as required by the condition precedent set out under clause 3.1.2 of the agreement?

2. Will the minister advise the parliament what steps he has taken to obtain a letter in similar terms as described under clause 3.1.2 of the deed of agreement from the Australian Soccer Association Limited, which is the new entity controlling all national, international and premiership league matches under its auspices and jurisdiction? If not, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Recreation, Sport and Racing in another place and bring back a reply.

GEOSCIENTIFIC DATA

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about pre-competitive data in South Australia.

Leave granted.

Members interjecting:

The Hon. R.K. SNEATH: I will ignore the rabble on the other side. The most recent Fraser Institute survey ranked South Australia at No. 1 in the world for the provision of pre-competitive geoscientific data. This data is an important tool in the process of attracting exploration companies to our state. My question is: what steps is the government taking to maintain the state's No. 1 ranking in the Fraser Institute survey?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I again thank the Hon. Bob Sneath for his interest in matters happening in the regional part of our state, an attitude which he demonstrates consistently. I am happy to tell the member and the council that the government's recently announced plan for exploration contains a number of measures to ensure that South Australia does indeed maintain its very high ranking—and I guess you cannot get much higher than No. 1. Firstly, I congratulate the Department of Primary Industries and Resources SA on its efforts. The Fraser Institute survey is a ranking of over 30 countries, states and provinces from around the world. To be ranked No. 1 is a significant achievement, and I believe it is testament to the department's ability and dedication.

The government's plan for exploration is the most comprehensive mining policy package in Australia, and the improvement of the state's pre-competitive data is an important part of that package. The government will spend $2.75 million in the next three years to fill in our knowledge gaps in key prospective areas and to derive new information in three dimensions that can be visualised and interrogated with modern three dimensional software. This will be spent on:

- in-filling gravity and aero-magnetics in the northern and western margins of the Gawler Craton, the Musgrave Block, the Northern Curnomona province, the Central Gawler gold province and key parts of the Officer Basin;
- undertaking a seismic transect of the Officer Basin;
- undertaking a seismic transect to define the 3D structure of the Curnamona province and the Gawler Craton;
- leveraging matching funding from Geoscience Australia to extend the scope of these activities; and
- collaboration with the Australian School of Petroleum in prospectivity research.

Additionally, the package provides one and a quarter million dollars over three years to undertake a baseline geochemical survey of key mineral areas. This will supply a readily accessible database of geochemical survey data that will provide critical basic information to focus company exploration. This means a total of $4 million will be spent over the next three years on top of the funds committed in previous budgets for pre-competitive data collection. On top of this, the government will spend a further $1.6 million over four years to develop the next generation of data delivery. This will include the development of the three-dimensional model of the geology of the entire state.

The model will visualise the hidden geology deep under cover rocks across the entire state and will be a valuable tool to generate and check new exploration concepts. Highlighting South Australia's IT expertise, the model will depict potential mineral and petroleum-bearing rocks at many scales that will allow scientists to 'fly through' the sub-surface. This package will go a long way towards maintaining South Australia's position as the leading provider of pre-competitive geoscientific data in the world.

The Hon. R.I. LUCAS (Leader of the Opposition): Should a world class ore deposit be discovered as a result of all this exploration activity to which the minister refers, which includes, like Roxby Downs, uranium deposits, will the minister personally support a further uranium mine, or a mine that mines and exports uranium, in South Australia?

The Hon. P. HOLLOWAY: I am pleased that the opposition leader reads the *Hansard* from the House of Assembly. He would know that the Premier was asked exactly the same question yesterday, and I will not try to better his answer.

The Hon. R.I. LUCAS: I have a further supplementary question. Will the minister outline to the council why he is refusing to answer a question in relation to whether or not he as the Minister for Mineral Resources Development—not the Premier—would personally support a further uranium mine in South Australia should all this exploration activity lead to a world-class deposit like Roxby Downs?

The Hon. P. HOLLOWAY: It is the same question.

The PRESIDENT: It is not precisely the same, but I take the honourable member's point.

RING CYCLE

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Trade and Regional Development—

Members interjecting:

The PRESIDENT: Order! Honourable members, by interjection and constant cross chamber chatter, are reducing opportunities for those who want to ask sensible questions.

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Premier, a question about the *Ring* Cycle.

Leave granted.

The Hon. SANDRA KANCK: On 25 September last year, I asked the Premier a series of questions concerning a possible blow-out in the budget for the State Opera's 2004 production of the *Ring* Cycle. In response, the Premier advised that State Opera's business plan projected a total cost of $12.596 million for the production. Those figures indicated a $500 000 blow-out in the original $12 million budget, more than 12 months out from the staging of the event. Further, the Premier advised that the budget problems had been identified in March 2003 and that Arts SA, the major performing arts board and State Opera were working on ways to contain these cost pressures and generate savings. Last week, under the cover of budget day, the Minister Assisting the Premier in the Arts admitted the comprehensive failure of that process. The minister's parliamentary statement indicates that the cost for producing the *Ring* will now be $15.345 million.

This is a staggering $3.45 million budget overrun. The additional money will come via a $1.15 million increase in commonwealth funding; the state government will now be forced to find an additional $986 000 in funding; Arts SA and the major performing arts board will contribute an additional $200 000 each; and Arts SA will lend State Opera $500 000. Hence, South Australian taxpayers will contribute almost $2 million extra to the production than was acknowledged by the Premier in September 2003. My questions are:

1. Given the Premier's earlier advice that assorted bodies were working on ways to contain cost pressures and generate savings, what measures were put in place to achieve this?

2. How does the Premier reconcile his answer to my question of 25 September 2003 that the total cost of the production would be $12.596 million with the statement of 27 May from the minister assisting the Premier that cost pressures amounting to $2 million were identified last year?

3. When last year was it identified that the budget overrun had jumped from $500 000 to $2 million?

4. What will be the cost of remunerating Mr Noel Staunton and Ms Pamela Foulkes for their work on the production?

5. How many complimentary tickets will be provided for the *Ring* Cycle, and who will they be given to?

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: You are on the money.

6. Given that this disastrous budget blow-out occurred on the watch of the Premier and the Minister Assisting the Premier in the Arts, will he reveal whether he and the minister assisting the Premier have purchased their own tickets to the 2004 *Ring* Cycle, as I have done, or will they be attending at taxpayer's expense?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development: In relation to the comment that was made in the latter part of the question that the cause of the cost blow-out was on this government's watch, I am certainly not prepared to concede that. When I refer this question—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I do not concede to allegations that are not necessarily correct. As I understand it, there were certainly some decisions taken prior to this government coming to office.

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: Well, you can actually make decisions like we had with the retail contestability of electricity and so on that lock-in future governments. I will refer the question in relation to the *Ring* Cycle to the Minister Assisting the Premier in the Arts and bring back a response. I am sure that he can settle to the member's satisfaction the question as to what decisions that were made in relation to this have led to this apparent cost blow-out.

MENTAL HEALTH

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about mental health.

Leave granted.

The Hon. A.L. EVANS: An article published in today's *Advertiser* reports that the state government is holding discussions with the Northern Territory and Western Australian governments in relation to the short-term and long-term needs on the AP lands in relation to health facilities. It is my understanding that young people on the lands who are long-term petrol sniffers develop extremely serious physical as well as mental health conditions. The long-term effect of petrol sniffing includes significant mood swings, depression and permanent brain damage. Petrol sniffers are also at risk of brain haemorrhage. In addition, women who sniff petrol over an extended period of time often have difficulties with their pregnancies. Babies are usually underweight and there is an increased risk of sudden infant death syndrome and miscarriage. My questions to the minister are:

1. Will the minister advise of the developments in relation to the provision of general health facilities, including mental health and rehabilitation facilities, appropriate to the needs of the young substance abusers in the AP lands?

2. Will the minister advise whether the government has information from the Northern Territory government that provides advice on the status of such facilities in Alice Springs?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I can advise the member, from my experience in my own portfolios, that there is cooperation between Western Australia, the Northern Territory and South Australia on a number of issues. Mental health is one issue that is being discussed. I will refer those important questions to the Minister for Health in another place and bring back a reply.

The Hon. NICK XENOPHON: Sir, I have a supplementary question. Has the minister investigated the success of the Mt Theo program in the Northern Territory with respect to petrol sniffing? The program was showcased at the Drugs Summit some two years ago.

The Hon. T.G. ROBERTS: I have sought information about the Mt Theo program and its application to other areas of the state, particularly the AP lands. There have been a

number of recommendations from the communities for similar sorts of programs. There are four ways to deal with the various degrees of sniffing. Prevention is one: to stop people from sniffing in the first place. Then there are those people who take it up but do not take it up seriously enough to damage their health. Then there are the intermediate sniffers, who need slightly different programs from the long-term sniffers. At the moment, all the options are being considered by the government in relation to how we deal with these issues, and discussions are taking place as we speak with leaders within communities on the lands to see what facilities and programs are best suited to the needs of those communities, because they do vary.

MINERAL RESOURCES

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mineral resources.

Leave granted.

The Hon. D.W. RIDGWAY: Following the presentation of the budget last week I was interested to read, in the portfolio summary of primary industries and resources, under the agency of the department of primary industries and resources and the expenditure initiative 'Plan for accelerating exploration—resource investment initiatives', the announcement of funding of $14.7 million over four years that will support the implementation of a suite of strategies to accelerate mineral and petroleum exploration in South Australia. This involves enhancing the state's geoscientific information databases and knowledge and promoting globally South Australia's mineral and energy resources to attract investment. I also looked in the budget papers at the budget for the 2004-05 year and also the budget from the previous year, 2003-04 (page 5.7).

I added the figures together and came up with a figure of $18 131 000 for 2004-05 and for 2003-04 a figure of $17 589 000 for similar programs, an increase of a mere $442 000. My question is: does the minister concede that this is not a new initiative but simply a rebadging of existing budget figures with the addition of a mere $442 000?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): No, I do not concede this is just a rebadging. I have outlined a number of new initiatives to the council on several occasions. In fact, earlier in question time today I spoke about the new 3D package which this government will implement, and other parts of the package include: the appointment of a resources ambassador; proposals in relation to environmental sustainability in the mining industry; assistance to the APY lands in relation to various initiatives; and further initiatives which I have outlined on previous occasions.

The honourable member needs to be aware that at any one time new programs are initiated by government. Other programs may cease, but the new programs that this government is putting forward will significantly add to exploration in this state. It is genuinely new money and amounts to $15 million over the next five years. I do not have the budget papers here, but I will look at them, and on Friday, 18 June we will have the estimates committees in relation to mineral resources development for two hours, and I will certainly be pleased to go through the detail in chapter and verse on that occasion.

The Hon. D.W. RIDGWAY: I have a supplementary question. I am a relatively new member to this chamber but, if the minister is successful in finding those figures, could he provide them to the council?

The Hon. P. HOLLOWAY: As I said, I will be happy to provide any information that opposition members might care to request during the estimates committees.

DOGS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Environment and Conservation a question about dogs on beaches.

Leave granted.

The Hon. IAN GILFILLAN: Many members, I am sure, share with me the enjoyment of seeing on numerous occasions dogs being exercised on the beaches of South Australia in various forms—quite frequently chasing balls or sticks which have been thrown and moving out into the sea. It is generally a very cheerful and happy part of South Australian culture. With that observation and with the legislation recently passed in both houses of this parliament in mind, I ask the minister whether there will have to be prescribed areas of beaches in which dogs can be off the leash, and will those areas be required to be confined by dog proof fencing? Will the minister assure the dog owners of South Australia that those confined areas will embrace, at least in part, some sea so that the activity of fetching a ball through the waves will not be denied the dog population of South Australia?

The Hon. T.G. ROBERTS (Minister Assisting the Minister for Environment and Conservation): I think the frolicking dogs will be looked after, but there will have to be some care that they do not interfere with the enjoyment of others. My view about dogs is generally that I am the one they come up to and shake themselves on after they have been for a frolic. I will refer that question to the minister in another place and bring back a reply.

GAMING MACHINES

The Hon. NICK XENOPHON: My questions to the Leader of the Government, representing the Treasurer, are as follows:

1. In respect of Budget Paper 3 (page 3.15), what material advice, research and any other documents did the government rely on in its estimates of revenue from poker machine taxes for the financial years referred to in table 3.10 with respect to the growth or otherwise of gambling taxes?

2. In particular, what were the harm minimisation measures referred to that were factored into the calculations?

3. What is Treasury's forecast on the precise impact of smoking bans on poker machine taxes in respect of the current year's budget papers and how does it differ from the advice given by Treasury previously, in particular, last year and in 2002-03?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I will refer that question to the Treasurer and bring back a reply.

ANANGU PITJANTJATJARA LANDS

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Correctional

Services a question regarding community corrections in the APY lands.

Leave granted.

The Hon. J. GAZZOLA: I was interested to hear the minister speak about justice initiatives on the APY lands in this place earlier in the week. Can the minister give an example of action being taken by the Department for Correctional Services in the APY lands and does the minister have any further information regarding police holding cells in the lands?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his important question. The Department for Correctional Services has implemented a substantially improved service model in the AP lands and this budget has allocated ongoing funding of $130 000 per year for this new service model. The new model is now fully operational and comprises one community correctional services officer based at Marla and two based in Coober Pedy. These officers constitute a case management team assigned to bail, probation, parole and home detention supervisory duties and the preparation of reports for courts and the Parole Board.

In addition, a two-person mobile community service team has been created to spend up to 15 days at a time on most APY communities three times a year and in Yalata four times. This team aims to enable offenders with community service orders to work off significant hours in concentrated periods, which does not happen now, and to ensure that this becomes a more viable sentencing option than at present. The team's home base in Port Augusta increases the likelihood and continuity of staffing in the management of community service.

The operation of the two teams enables the Department for Correctional Services to have a presence in one or more communities on the AP lands for all or part of 42 out of 52 weeks of the year. The frequency of the case management team's visits to any given community on the lands is determined by the number and supervision needs of offenders in that community at the time of the visit.

During 2004, the team plans a total of 13 five-day, seven three-day and 13 two-day visits, a total of 112 days on the lands. The Chief Magistrate has increased the number of AP lands court circuits from six in 2003 to eight in 2004. Case management team schedules ensure that correctional services staff are available on each circuit to assist the court. The availability of community correctional services officers to support offenders is not limited to scheduled visits. The department will continue to provide occasional ad hoc assistance, for example, returning offenders to their home communities, which has been a problem to date, where an urgent need is identified and as resources allow.

In relation to police holding cells, I am informed that some form of temporary police holding cells are attached to all police stations on the lands, being Fregon, Mimili, Ernabella, Amata and Pipalyatjara. The cells used are for the temporary holding of persons arrested by police. Should the person arrested need to be detained for any period longer than several hours, they are transferred to the police station cells at Marla and/or Coober Pedy, which have more suitable cells for holding prisoners for longer periods of time.

Funding has just been approved by the government for the upgrade of police cells at Amata, Ernabella and Pipalyatjara, and SAPOL has a budget of $500 000 this coming financial year to upgrade the holding cells at the above three named locations. Further, $250 000 has been budgeted for in the upgraded police stations across the lands. Planning for the upgrades is currently under way and will be completed as soon as possible. It adds to the increased presence of police, which is one of the first recommendations out of the reports that have been done for the government. Letters that have been written to members have requested more police presence on the lands to try to get some order within the lives of the people who live there, particularly protecting them from the serious petrol sniffers who, from time to time, are violent and need restraint. Sometimes they need to be separated from the community while they have their episodes.

With respect to the issues associated with the sharing of prison facilities, I mentioned yesterday that the prison at Alice Springs is being considered and discussed with the Northern Territory government. We do not expect that it will be the be all and end all of those issues surrounding the AP lands, but it may be used as part of a suite of solutions to those problems.

SUPPLY BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1771.)

The Hon. IAN GILFILLAN: It is with some surprise that I find myself addressing the Supply Bill, having been assured that we were going to be dealing with the Natural Resources Management Bill. However, I am always adaptable and prepared. Having had the surprise treatment of parole bounced around this morning, I am getting case-hardened to it, Mr President, and I am prepared to be very versatile. It is with some trepidation that I tread the gauntlet of making a contribution to this particular bill. I am confident, however, that what I am about to say fits very neatly within the parameters that you have laid down somewhat repetitiously, and I am not surprised because this discipline is required.

With that background, I say that this is a bill for an act for the appropriation of money from the consolidated account for the financial year ending 30 June 2005. As I observe, Mr President, you have already done some coaching as to what should be in order. This is not the Appropriation Bill and, while considerable debate will be needed on that, this is not the time for that particular debate. The Democrats support the passage of this bill. The Supply Bill is designed to allow the government to continue to operate in the new financial year despite the Appropriation Bill not yet being passed.

The bill essentially provides parliamentary authority for expenditure between the start of the 2004-05 financial year and the passing of the budget legislation. We are being asked to authorise the use of $1 500 million. Clause 3(2) of the bill, which sets out the conditions under which this money may be used provides:

> Money must not be issued or applied pursuant to that appropriation for any purpose in excess of the amount appropriated by parliament for the same purpose in respect of the 2003-04 financial year.

It will generally continue the budgetary strategy of the current year. The bill will allow public servants to continue to be paid after 30 June. These public servants are, in my opinion, all too often the unsung heroes: loyal and steadfast and getting

on with the business of government in an often hostile environment. Given that they are not allowed to speak in their own defence, it is deplorable to see them used often as whipping boys and girls to court public opinion. I have noted in recent years a distinct lack of ministerial accountability in the case of buck-passing, and I must say that this is particularly obvious at the federal level.

In fact, they are all too quick to play pin the blame on the public servant game, often in circumstances where a loyal public servant is asked to fall on their sword to cover up malfeasance by their masters. This trend dismays me, and I strongly urge ministers in this place and the other place to resist it. Ministers are responsible for the actions of their department, and it is not appropriate to push the blame down the line. Ministers should be singing the praises of their department and stepping up to shield the Public Service from unjust criticism.

As I stated earlier, the Supply Bill is generally an extension of the current year's budget strategy. While I understand the necessity of this, given the timing of the budget, it is nonetheless troubling when the issues facing the state have changed. We are moving into a very different economic climate. Gross state product is forecast to drop from 4 per cent to 2.5 per cent and employment growth will slow from 1.5 per cent to 0.75 per cent.

We have one of the state's major manufacturers, Mitsubishi, in the process of closing its plant at Lonsdale. This is on top of the closure of the Mobil refinery at Port Stanvac. Over the past year, South Australia has lost some 10 000 full-time jobs and, with the foreshadowed job losses from Mitsubishi, we are already off to a bad start for the year 2004-05. We need an economic strategy that will address this as a priority. Last year's budget did not do that and, from what we have seen of next year's budget, that does not do it either. Having said that and before concluding my contribution, I would emphasise that the Democrats' approach is that there should have been further deliberate contribution to enhance the ways in which the public sector could contribute to the wellbeing of the state without in any way risking any curtailment of publicly funded jobs but, in fact, increasing them. With that observation, I indicate again the support of the Democrats for the passage of this bill.

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I thank all members for their contribution in support of the passage of the Supply Bill. A number of issues were raised that were not specifically related to the three clauses in the Supply Bill, Mr President, as you quite rightly pointed out to those members during the debate. Matters were raised in relation to the general economic policies of the state, and I will certainly be pleased to address those when we have a full debate on the Appropriation Bill, which will be before this council when we resume later this month after the House of Assembly considers the Appropriation Bill during estimates. I look forward to addressing some of those issues at that time, but I again thank members for their support for the Supply Bill so that the operations of government can continue beyond 30 June.

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

STATUTES AMENDMENT (BUDGET 2004) BILL

Received from the House of Assembly and read a first time.

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Tax reform measures introduced in the 2004/05 Budget will deliver tax relief to business, assist first homebuyers and progress commitments made under the *Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations* (IGA) to review the continued need for certain business stamp duties.

The pay-roll tax rate will be reduced from 5.67% to 5.5% in respect of wages paid or payable on or after 1 July 2004. This will provide significant relief to business and bring South Australia's pay-roll tax rate, which is already lower than that in most other jurisdictions, closer to the Victorian rate.

The reduction in the pay-roll tax rate is expected to deliver pay-roll tax relief of $22 million in a full year. Approximately 5 500 firms employing about 340 000 employees or 56% of total private sector employment are estimated to benefit from this reform.

Progress with reviewing the continued need for business stamp duties as part of national tax reform initiatives will also be made with the abolition of lease duty and cheque duty in 2004/05 (at an estimated full year cost of $5.5 million), followed by the abolition of debits tax in 2005/06 (at an estimated full year cost of $61 million).

Relief will also be provided to first homebuyers in recognition of the erosion of the stamp duty concession by recent strong increases in property values.

Currently, first homebuyers receive a full stamp duty concession on first home purchases up to $80 000 with a partial concession up to $130 000.

The first homebuyer stamp duty concession will be extended to provide a partial stamp duty concession for first homes between $80 000 and $250 000.

First home purchases up to $80 000 will continue to receive a full concession. For first home purchases between $80 000 and $100 000 the concession rate reduces by 2.5% for each $1 000 increase in property value above $80 000. At a property value of $100 000, the concession rate is 50% and remains at 50% for first home purchases between $100 000 and $150 000. The dollar value of the concession reaches a maximum at $150 000 and phases out completely for first home purchases valued above $250 000.

The expanded concession will be available where a contract to purchase a first home is entered into on or after 27 May 2004 and will cost an estimated $9.4 million in 2004/05.

It is estimated that more than 80 per cent of first homebuyers will receive either a full or partial stamp duty benefit under the amended concession.

As an added benefit for first homebuyers, an exemption from mortgage duty will be provided where the mortgage relates to a first home contract entered into on or after 27 May 2004.

The exemption from mortgage duty is expected to benefit up to 9 500 first homebuyers and will cost $5.2 million in 2004/05.

The exemption from mortgage duty on first home loans is also consistent with State undertakings to review the continued need for mortgage duty under the IGA.

The package of tax reforms announced in the Budget for introduction in 2004/05 is estimated to cost $42 million in a full year.

I commend the Bill to Honourable Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Part 2 of the Act, which amends the *Debits Tax Act 1994*, and Part 4, which amends the *Stamp Duties Act 1923*, come into operation on the day on which the Act is assented to by the Governor. The amendments made by Part 3 to the *Pay-roll Tax Act 1971* will come into operation on 1 July 2004.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Debits Tax Act 1994*

4—Variation of section 3—Definitions

The amendment made to the definition of the term ***taxable debit*** by this clause has the effect of limiting the application

of the term to debits made to accounts on or before 30 June 2005.

5—Insertion of section 5A

New section 5A provides that the Act does not apply to a debit made to an account after 30 June 2005.

6—Variation of section 44—Return in relation to exempt accounts

Section 44 provides that a financial institution must lodge with the Commissioner a return relating to all exempt accounts kept with the institution. New subsection (3), inserted by this clause, provides that a return is not required under section 44 in relation to the 2006 calendar year or a later calendar year.

7—Insertion of section 54

Under section 54, the Governor may, by proclamation, fix a date for the repeal of the Act. The Act is repealed on the day fixed by proclamation under the section.

Part 3—Amendment of *Pay-roll Tax Act 1971*

8—Amendment of section 9—Imposition of pay-roll tax on taxable wages

This clause amends section 9 of the *Pay-roll Tax Act 1971*. As a consequence of this amendment, the rate of payroll tax imposed and chargeable on wages paid or payable on or after 1 July 2004 will be 5.5 per cent of those wages.

Part 4—Amendment of *Stamp Duties Act 1923*

9—Amendment of section 45—Duty not to be chargeable after certain date

Section 45 of the *Stamp Duties Act 1923* ("the Act") currently provides that duty is not chargeable on a cheque form issued by a financial institution or paid by a financial institution on or after a day to be fixed by proclamation. Rather than requiring the making of a proclamation for the purposes of fixing a day, section 45 as amended by this clause provides in subsection (1) that duty is not chargeable on a cheque form issued on or after 1 July 2004. No refund of duty on cheque forms is to be allowed on or after that date. Under subsection (3), the Governor may, after 1 July 2004, fix a date by proclamation for the repeal of Part 3 Division 5 and Schedule 2 clause 13 of the Act. That Division and clause are repealed on the date fixed by proclamation in accordance with subsection (3).

10—Amendment of section 71C—Concessional rates of duty in respect of purchase of first home etc

The amendment made by this clause to section 71C(2) has the effect of limiting the operation of that subsection to conveyances or notional conveyances to which the section applies that give effect to a relevant contract entered into before 27 May 2004.

New subsection (3) operates in relation to conveyances or notional conveyances to which the section applies that give effect to a relevant contract entered into after 27 May 2004. The duty payable on such a conveyance or notional conveyance will be calculated as follows:

- if the amount by reference to which the duty would, apart from section 71C, be calculated (the ***property value***) does not exceed $80 000, no duty will be payable;
- if the property value exceeds $80 000 but does not exceed $100 000, the duty payable is the relevant percentage of the duty that would, apart from section 71C, be payable;
- the ***relevant percentage*** is a percentage in a range beginning at 2.5% for a property value of $81 000, increasing in steps of 2.5% for each additional $1 000 of property value, and ending at 50% for a property value of $100 000;
- if the property value exceeds $100 000 but does not exceed $150 000, the duty payable will be 50% of the duty that would, apart from section 71C, be payable;
- the maximum concession under section 71C(3) of $2 415 is reached at a property value of $150 000 and where the property value exceeds $150 000 but does not exceed $250 000 the amount of duty payable is the amount that would, apart from section 71C, be payable less a concession calculated by reducing the maximum concession by $24 for each additional $1 000 by which the property value exceeds $150 000;
- if the property value **exceeds** $250 000, no concession applies;
- for the purposes of section 71C(3), property values are to be expressed to the nearest multiple of $1 000 and if a property value lies exactly at the mid point between two multiples of $1 000, the property value is to be rounded down to the lower of those multiples.

11—Insertion of section 75A

New section 75A provides in subsection (1) that no liability to duty arises in relation to a lease entered into on or after 1 July 2004. Following that date, the Governor may, by proclamation, fix a date for the repeal of Part 3 Division 9 and clause 10 of Schedule 2. On the date fixed by proclamation, Division 9 of Part 3 (including section 75A) and clause 10 of Schedule 2 are repealed.

12—Insertion of section 83

This clause inserts a new section. Under section 83, certain provisions apply in respect of a mortgage if the Commissioner is satisfied that the mortgage secures a loan taken out to finance liabilities under an eligible first home owner transaction entered into on or after 27 May 2004. Those provisions are as follows:

- if the mortgage secures liabilities under the first home owner transaction and no other liability—no stamp duty is payable in respect of the mortgage;
- if the mortgage secures liabilities under the first home owner transaction and some other liability—the stamp duty otherwise payable is reduced by the amount of stamp duty that would have been applicable if the mortgage secured only liabilities under the first home owner transaction but attracted no concessional rate of duty as a home mortgage.

A transaction is an eligible first home owner transaction if the party or parties to the transaction who seek the benefit of section 83 have made an application for a first home owner grant under the *First Home Owner Grant Act 2000* in relation to the transaction and comply with the eligibility criteria under that Act, and the transaction is an eligible transaction within the meaning of that Act and has been completed within the meaning of that Act.

The Commissioner may stamp a mortgage in anticipation of the relevant conditions for an exemption or partial exemption being met. If the conditions are not in fact satisfied, the Commissioner may recover the amount of the exemption or partial exemption from any party to the mortgage as a debt.

The Hon. R.I. LUCAS secured the adjournment of the debate.

NATURAL RESOURCES MANAGEMENT BILL

In committee (resumed on motion).

(Continued from page 1778.)

Clause 76.

The Hon. CAROLINE SCHAEFER: I move:

Page 67, after line 34—Insert:

(ba) in providing for the allocation of water take into account the present and future needs of the occupiers of land in relation to the existing requirements and future capacity of the land and the likely effect of those provisions on the value of the land; and

This amendment is a subclause which was in the Water Resources Act and which was somewhat sneakily removed between the amalgamation of the Water Resources Act and this bill. It is self-explanatory, and it seeks to oblige the minister to take into account the present and future needs of those occupying the land, and to take into account any consequential changes to the value of that land as matters that must be addressed by a water allocation plan.

I think that it is fairly self-explanatory. It seeks to ensure that those who are land managers at the time that a water allocation plan is brought into being have taken into consideration the present and long-term structure of the effects of water allocations in the region. I know that there was an exhaustive debate during the passage of the Water Resources

Act and that this was an amendment successfully moved by the Hon. Michael Elliot, and supported by us. I think it is a very important concept, because, surely, the whole of this bill is about the development of holistic natural resource management throughout the regions of the state. I think this is a commonsense way to move forward, but more than that I want to express my disappointment that this clause was in the act. We were told that the three acts were amalgamated and simply meshed together, but nobody told us that, lo and behold, this clause which was not popular at the time happened to just drop off the page. All we seek to do is restore the status quo.

The Hon. A.J. REDFORD: I have had some history with this, and it goes back some time. I have tried to stay out of this debate. This is an issue that goes back to before the 1997 election when water resources legislation first came in. I well remember making a lengthy contribution; I am sure that the Hon. Terry Roberts would remember that contribution that I made which led to the introduction of this clause. Indeed, I suspect that, at the time, I had less support from my own colleagues than I had from the Hon. Terry Roberts. It was interesting that it was the Hon. Michael Elliot who came up with this proposition, and advanced it strongly and forthrightly. He was strongly and forthrightly supported by the Hon. Terry Roberts. So, it will be interesting to see what position he takes now.

This is about the principles applicable to water allocation. Water allocation is an intrinsic part of the value of land, particularly when you are talking about water which is under the ground. I think members ought to recognise that the way in which water moves about underground is totally different to the way that water moves about in a river. I will use this example: sometimes in some parts of the South-East water might move laterally only 20 to 40 feet in a given four or five-year period. Therefore, the water that you have under your land is the water to which you will have access—other than what you get in terms of rainfall—to replenish the aquifer. In that respect, there are some water catchment areas in which the relationship between the water and the land is very closely interrelated: that has been recognised by markets.

I will give the Hon. Nick Xenophon an example. There was a proclamation of land in the Naracoorte area where land was getting about $800 an acre. There was an artificial line drawn through some properties. At the time (and this is going back to 1996-97), the land that was sold where the water licence, or the water, had been separated from the land and given to other people (and that was what happened and, in some senses, in a corrupt fashion, in my view), those land-holders suffered drops in land value of up to 40 and 50 per cent. I remember Bruce Rodda being published in the local media at the time. Mr Rodda is now a well respected businessman with the Jumbuck corporation in Naracoorte—

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: It was the previous government that did this, and it ought to hang its head in shame for what it did. It was only through the efforts of people (and I will not blow my trumpet) such as the Hon. Michael Elliott and the Hon. Terry Roberts that some attempt was made to redress the injustice that had been inflicted upon land-holders as part of this process. That is typical of the department. It says one thing on one day to one group of people and another thing on another day to a different group of people. The argument they will advance in favour of getting rid of this is that they want to maximise the use of water. But if they talk to another group on another day they will say, 'No, we need all this stuff to conserve water.' They can never get a consistent line, because they do not have one.

All we are trying to do here is to protect the value of land in relation to water allocation plans. We are not seeking to undermine any environmental imperative. We are not seeking to do anything other than to protect the value of the land of those land-holders who have enjoyed access to water for some considerable period of time.

The Hon. T.G. ROBERTS: This provision was in the Water Resources Act and is fundamentally contrary to the principles of the Council of Australian Governments (COAG) under which water and allocation rights are separate, in that it requires the effect of water rights on the value of land to be taken into account when making water allocations. Separation of land and water allocation rights means that there should be no link between the land value and the water allocation, as water allocation is a separate right from the land and can be sold and transferred, and so on. The provision may also conflict with the requirement to allocate water for environmental needs—for example, to preserve ecosystems dependent on water—as allocating water for environmental requirements would be incompatible with maximising the productive capacity of land and the future needs or economic interests of landowners.

The provision is also very difficult to apply in practice, because taking into account the present and future needs of land occupiers as well as the future capacity of the land and the likely effect on land value of water allocation decisions is complex. There is no simple way in which to measure these matters. For those reasons, this provision has not been included in the NRM bill from the Water Resources Act, and the proposed amendment is opposed.

The Hon. CAROLINE SCHAEFER: I am not surprised, having just heard the history of the former debate, where apparently the Hon. Terry Roberts was the flag bearer for this change to policy, that he did not defend his position particularly strongly. I will again read the amendment, as follows:

> in providing for the allocation of water take into account the present and future needs of the occupiers of land in relation to the existing requirements and future capacity of the land and the likely effect of those provisions on the value of the land;

What the government is now arguing—and what, in particular, minister Roberts is now arguing—is that this is contrary to the federal water resources policy, which is to have allocated water as a separate property right and, therefore, it cannot be taken into account on the value of the land. Yet, this government is seeking to, and will, decide quite soon which areas of the Clare Valley will be allowed to irrigate with Murray water and which will not. Surely, that is taking into account the future capacity of the land. Will it affect the value of the land? You bet it will, because, if you have access to irrigation water, it just about doubles the value of your land.

So, their policy is hypocritical within itself. We merely seek to restore something that was part of the act previously. I stress again that I am not impressed, given the amount of access I have had to briefings, that at no time did any of the ministerial staff mention to me that this clause (which is quite vital) is simply being slipped out of the old act.

The Hon. A.J. REDFORD: How easy it is to turn the honourable member's position just by the mention of COAG principles which, time and again, the honourable member stood up on this side of the chamber and condemned. Quite frankly, it is bitterly disappointing from a personal perspec-

tive. Having got himself on the front page of *The Border Watch* as the champion of the little guy week after week during the 1996 to 2000 period, he stands up in this place and moves something totally contrary to what he said on previous occasions.

Let me deal with these so-called COAG principles. First, the principles (and I am not sure the honourable member has read them) have a rider which says 'depending upon local conditions'. If you talk to people who know anything about the COAG principles, they say that they were developed in relation to a river aquifer. It does not matter in a general sense whether you take the water from Renmark or Berri, this is a different aquifer. It was always acknowledged in the COAG principles that were signed off by these people that it did not apply to the South-East. That was confirmed by no-one less than the Deputy Prime Minister, John Anderson, on three or four separate occasions. That is the first point I make about this allegation being contrary to COAG principles.

The second point is that this would impede the separation of property rights in relation to water and land. Again, typical of this department, that is palpable nonsense. We are here talking about the preparation of a water allocation plan. When you initially allocate water, you have to do it from a starting point. No-one is saying there should not be a separation of rights in relation to land and water; no-one is saying with this amendment that that should not happen. What we are saying is that when you make that initial application you make it on the basis of some fairness in relation to those who will lose value—that is, land-holders.

In the South-East a bunch of small irrigators basically took up most of the water allocation, and they got it all. Some people—and I will not name them but I am sure others might be tempted to, and the Hon. Terry Roberts would know them—grabbed substantial slabs of water and held on to it in an attempt to speculate, and they froze certain people out of opportunities to participate. So, I cannot say how disappointed I am personally to see the Hon. Terry Roberts take this position. This is a fight I have fought for many years. I know I was joined in the latter stages by Mitch Williams, the member for MacKillop. But certainly one person who understood this very clearly and one person who got this right very early in the piece—probably earlier than the Hon. Terry Roberts—was the Hon. Michael Elliott, because it was he who moved this in the first place.

The Hon. NICK XENOPHON: It seems, after the spirit of compromise we had this morning, that we have degenerated into some bioadversity, but the government's arguments have not convinced me. Citing COAG is not going to do it for me, and I pass that sentiment on to the minister. Unless I hear some better arguments from the government, I support the opposition's amendment.

The Hon. SANDRA KANCK: This is a clause on which I have received no lobbying and suddenly it is here and we have what appears to be a great deal of angst. The government is quoting COAG principles and the opposition is quoting debate on the water resources bill of quite some years ago, neither of which has been brought to my attention prior to this. Again, without having read any of that debate on the water resources bill, I look at this wording and what I see is that it perhaps advantages the current occupiers of the land. It states that we have to take into account the present and future needs of the occupiers of land. I assume that means the current occupiers of the land and I wonder what that therefore means for the future. At this point I intend to support the opposition amendment. That will allow me to consult more widely before we get back to the bill, presumably at the end of June, and I would be willing—

The Hon. Caroline Schaefer interjecting:

The Hon. SANDRA KANCK: What! We are going to do all of this today? That is very interesting given that we are up to page 67 after two or three days of debate and we have to get to page 211 by the end of today! I will support this amendment with a willingness to reconsider it if the clause is recommitted. Somewhere along the line I will have to fit in some phone calls, but I will support it at this point.

The Hon. CAROLINE SCHAEFER: I thank the Hon. Sandra Kanck for her cooperation and apologise if she needed further lobbying on this clause. Given that the clause was in the original bill and we are merely seeking to restore it, and given that it is similar to one moved by a former leader of her party, I apologise for not giving her more information. The honourable member said that this clause would advantage the current landowner. I could just about reverse that and say that, without this clause, the current land-holder is inherently disadvantaged.

I am not a supporter, necessarily, of some of the theories of my south-eastern colleagues in that I have never believed that water under my ground is my God-given right, which is why I think we reached the compromise in the South-East of holding allocations, which means that people can hold the water that they have grown up generationally believing is theirs under holding licences. If this clause is not in place, the minister or the NRM board or the group of the day will have the ability to disadvantage quite severely the family who are current holders of the land. These are the people who have developed that land. They are the occupiers of the land.

Surely in the same way as if a four-lane highway were put down Portrush Road, the present and future needs of those land-holders should be taken into account. If we are going to turn parts of Anzac Highway into a runway to the airport, surely the current holders and occupiers of the land deserve consideration. That is what this clause asks for: consideration to be taken for their current and future needs when allocations are made. No-one is saying that allocations cannot be made; no-one is saying that there cannot be holding allocations: all they are saying is that the people who are there deserve some respect. I thank the members of the various smaller groups, the Democrats and the Hon. Nick Xenophon. I hope this clause will not be recommitted because, in fact, it is a historical clause.

Amendment carried; clause as amended passed.

Clauses 77 and 78 passed.

Clause 79.

The Hon. CAROLINE SCHAEFER: I move:

Page 71, line 17—Delete subclause (14) and substitute:

(14) The presiding member of the board will conduct the public meeting but if he or she is unable to attend then the board must appoint a suitable person to conduct the public meeting.

I hope this amendment is not as contentious as the previous amendment. This amendment requires that the chair of the board conduct public meetings. There is, within the act, the requirement that public consultation meetings take place. This amendment requires that the chair conduct those meetings unless he or she is unable to do so rather than any nominated person, which is what the bill as it currently stands provides.

Amendment carried; clause as amended passed.

Clause 80 passed.

Clause 81.

The Hon. T.G. ROBERTS: I move:

Page 75, line 6—Delete '(7)' and substitute '(8)'.

This is a technical amendment.

Amendment carried; clause as amended passed.

Clauses 82 to 88 passed.

Clause 89.

The Hon. T.G. ROBERTS: I move:

Page 77, after line 33—Insert—

(3) If the minister makes an amendment under subsection (2), the minister must furnish a report on the matter to the Natural Resources Committee of the parliament.

Is that an agreed position?

The Hon. CAROLINE SCHAEFER: Yes, it is an agreed position, but I do have a question. Will the minister explain to me the difference between the position as minister responsible for this bill and the planning minister, because the planning minister appears to have a totally different process?

The Hon. T.G. ROBERTS: This was put in to make the process more transparent and I thought that was an agreed position.

The Hon. Caroline Schaefer: It is.

The Hon. T.G. ROBERTS: Perhaps we can forward that other information to the honourable member at a later date. My support staff do not have it with them at the moment.

The Hon. SANDRA KANCK: I say that is good because it gives the Natural Resources Committee something to do.

Amendment carried; clause as amended passed.

Clauses 90 to 95 passed.

Clause 96.

The Hon. CAROLINE SCHAEFER: I move:

Page 81—

Line 20—Delete 'A' and substitute 'subject to this section, a'

After line 35—Insert:

(5) Any amount that a council is entitled to receive under subsection (1) must be reduced by the APC amount (if any) for the relevant financial year (and if the APC amount for that financial year exceeds the amount that the council would otherwise be entitled to receive under subsection (1) then no payment will be made to the council under this section for that financial year).

(6) For the purposes of subsection (5), the APC amount is the amount (if any) that applies to the council under section 36(4) of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 with respect to the 2003-04 financial year (as the relevant scheme under that act continues by virtue of the operation of clause 55 of schedule 4 of this act and as that amount is determined in respect of 2004 under that scheme), adjusted on an annual basis (to the nearest multiple of $1 000) in order to reflect changes in the general rate revenue for the relevant council between 2003-04 and the financial year in relation to which the entitlement of a council under this section is being determined (the relevant financial year under subsection (5)).

(7) Subsections (5) and (6) will apply from the commencement of the 2005-06 financial year.

I move both amendments as a block because they are intrinsically tied. This amendment will clearly not be popular with the Local Government Association, but currently a levy considered to be the amount needed to run local animal and plant control boards is struck by local councils. This is then included in people's council rates. This seeks to ensure that the council rates are reduced by that amount, rather than being left there and a new levy added; otherwise, as we see it, there is the ability for local government to increase its rate base without consulting with the people who pay the rates.

The Hon. NICK XENOPHON: Further to the amendments moved by the Hon. Caroline Schaefer, as I understand it, this is about preventing double-dipping. Can the government comment on that aspect of it to ensure that there will not be double-dipping of such levies?

The Hon. T.G. ROBERTS: The government opposes these amendments as they contravene the spirit of the agreement that has been reached with the LGA about councils being able to recover fair costs for collecting the NRM levy. These amendments would impact most severely on outer metropolitan regional councils because those councils generally contribute greater amounts to animal and plant control than metropolitan councils. Outer metropolitan regional councils which do not currently collect catchment levies but which may be required to collect NRM levies in future effectively will be denied the capacity to recover their costs for setting up NRM levy collection. The scheme would be complex to administer and become subject to distortion as future reductions would always be based on the 2003-04 year.

The LGA has indicated its opposition to the amendments. Its argument is that it reduces the transparency of the NRM levy collection arrangements. The LGA's strong preference is that councils have to fully disclose the collection cost of the NRM levy, and this information will be included in the regional NRM plans so that it is publicly available, with the recovery of these costs being limited by regulation, as is currently proposed in the bill. It is not transparent to ratepayers, and the other arguments line up with the government's arguments. In principle, they say that this amendment will undermine the arrangements which have been agreed in principle between the state government and the LGA to which particular needs of smaller country councils have had regard.

The Hon. CAROLINE SCHAEFER: Can the minister tell me roughly what is the amount of levy collected across the state by local councils to run local animal and plant control boards?

The Hon. T.G. ROBERTS: It is $3.5 million.

The Hon. CAROLINE SCHAEFER: If this amendment is not successful, can local government add $3.5 million to its rate revenue, and then, because no extra money is to be collected in the early stages of this act, strike another $3.5 million levy on top of that to service the Natural Resources Management Act?

The Hon. T.G. ROBERTS: I have been advised that under the Local Government Act 1999 councils must adopt a budget before determining their rates, and the cessation of the current animal and plant control contributions will mean that this is removed from council budgets.

The Hon. SANDRA KANCK: Having listened to the arguments and also having received the correspondence from the Local Government Association to which the minister has referred, I indicate that the Democrats will not support these amendments.

The Hon. NICK XENOPHON: I indicate that I still have reservations that this may lead to double-dipping. Therefore, I am prepared to support the opposition's amendments with some reservations, unless there is a stronger argument or if it can be set out by the government that it will not do that. I am concerned that it will lead to double-dipping. My position is that, with the qualifications that I have given, I will support the opposition's amendments.

The Hon. T.G. ROBERTS: I would like to make a correction to the amount of the levy collected. It is $3.5 million in total, but it is $2.5 million by local government and $1 million by the state government.

The committee divided on the amendments:

AYES (9)

Dawkins, J. S. L.	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J.

AYES (cont.)

Ridgway, D. W.	Schaefer, C. V. (teller)
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

NOES (9)

Evans, A. L.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Reynolds, K. J.
Roberts, T. G. (teller)	Sneath, R. K.
Zollo, C.	

PAIR

Lawson, R. D.	Gago, G. E.

The CHAIRMAN: There are 9 ayes and 9 noes. As this is government legislation, I give my casting vote to the noes.

Amendments thus negatived; clause passed.

Clause 97.

The Hon. T.G. ROBERTS: I move:

Page 82, line 25—Delete 'occupier of rateable land is' and substitute 'owner of any rateable land will be taken to be the occupier of the land and so'.

This amendment clarifies that landowners would be liable for out of council area levies if regional NRM boards propose levies for land outside of council areas. The minister agreed to review the use of the terms 'owner' and 'occupier' between the houses to identify that both owner and occupier are required in this legislation and that the use of those terms is specifically required in different clauses. In clause 97, these amendments are required to ensure that out of council area NRM levies can be issued to landowners should NRM levies be proposed by the relevant regional NRM boards.

The Hon. CAROLINE SCHAEFER: The opposition supports this amendment, but will the minister confirm that it is the intention to charge landowners the levy both in and out of council areas and, if so, does that apply to the Aboriginal lands?

The Hon. T.G. ROBERTS: It will be left to the board to discuss at a local level the hows and the whats. In the pastoral lands, particularly in the North, there is no-one with whom to discuss or negotiate the matter, because there is no rate base up there. Nothing has been structured.

The Hon. CAROLINE SCHAEFER: In that case the pastoralists will not be charged either, because they do not pay rates either.

The Hon. T.G. ROBERTS: If the boards decide that the landowners are to pay, then the boards will negotiate with them.

The CHAIRMAN: Have you concluded? Part of the question was about the Aboriginal lands.

The Hon. CAROLINE SCHAEFER: I will not oppose the amendment.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 82, line 27—Delete 'occupier' and substitute 'owner'.

Page 83, line 1—Delete 'occupiers of land' and substitute 'persons liable to pay a levy'.

Amendments carried; clause as amended passed.

Clauses 98 to 100 passed.

Clause 101.

The Hon. CAROLINE SCHAEFER: I move:

Page 85, line 7-Delete paragraph (f).

This relates to the declaration of levies. There is a list of different levies which may be declared in respect of the same water resource based on several factors which include the part of the watercourse from which water may be taken and the place or location where the water may be used, etc. and paragraph (f) refers to any other factor prescribed by regulations. It is our view that there is sufficient description within the bill, that a comprehensive list of matters has been provided, and that this, again, is one of those somewhat sloppy clauses.

Amendment carried; clause as amended passed.

Clause 102.

The Hon. CAROLINE SCHAEFER: I move:

Page 86—

Lines 6 to 9—Delete subclause (1) and substitute:

(1) This section applies in relation to all water (holding) allocations under this Act.

Lines 10 and 11-Delete 'If this section applies in relation to a water (holding) allocation the following provisions apply' and substitute 'the following provisions apply in relation to a water (holding) allocation

Page 87, lines 1 and 2—Leave out subclause (7).

The current Water Resources Act provides for those who have water allocations but are not using them to pay a water holding licence. This amendment seeks to allow market forces to decide. It would require public advertising of all unused water allocations and, if no interest was shown in the use of all or part of the allocation, no holding licence fee should be applied until such time as there is market demand for that water.

It is argued that in some parts of the South-East there is abundant unused water, and landholders are paying holding licences for something which no-one else wishes to purchase. This will then allow those who are able to access that water and who require it for development to apply to purchase or lease some or all of it. The owner of the holding licence would then have to make a commercial decision of whether to pay the holding fee or relinquish or lease some or all of their allocation. If, however, there is no interest in their allocation, they would not have to pay such a holding fee.

The Hon. T.G. ROBERTS: The government does not support this amendment is it is against the COAG water reform principles and the findings of the former select committee on water allocation in the South-East of South Australia, which was a multi-party committee. The levy collected from all licensees is used to fund the management of water resources. The water resources are managed for the benefit of the licensees including those with water holding allocations. The fundamental principle behind the levy options in the bill is that regional NRM boards have the discretion and flexibility to recommend to the minister what levy structures they wish to have. Regional NRM boards make such recommendations after consultation with the community during the process of NRM plan, preparation or amendment. The opposition's amendment would take away the discretion of the regional NRM boards and have levy options for water allocations including holding.

As an example of the flexibility that regional NRM boards will be able to make use of, the South-East Catchment Board recently developed a very innovative levy structure for water holding allocations and each water management area in the South-East based on the assumption that the percentage of holding allocations to total allocations in any management area reflects the demand or value of water in that management area. This levy structure has been approved by the minister and the Economic and Finance Committee of parliament and will commence in 2004-05. Further, the principle behind funding for the implementation of natural resource management plans through levy funding is that they require a high level of certainty of income for budget

processes. In the event that the proposed amendment is passed, the operation of this provision creates significant uncertainty in the amount of levy funds collected from licensees with water holding allocations.

The regional NRM board should have the discretion to put forward the appropriate levy structure in accordance with existing provisions. In the South-East of the state, the sustainable water yield from the groundwater basin has been established by many hydrological studies. The water that is available for use has been allocated to irrigators and industry for their business. In addition, water in areas that are not fully allocated was allocated in 2000 to broad scale farmers who are not using the water but holding it in accordance with the recommendations of the former select committee. Water holding allocations are established for this purpose.

The opposition seeks to make mandatory a current optional set fee provision for water holding allocations. The current optional provision in the bill provides that where water holding allocations exist, the minister can declare by notice in the *Gazette* that licensees with water holding allocations can qualify for a fee in lieu of the levy where the licensee can demonstrate that they have made genuine but unsuccessful attempts to sell or lease their water holding allocation. The government cannot support this amendment.

The Hon. CAROLINE SCHAEFER: I think the minister should consider what actually happens in these regions. People are terrified that they will lose their water allocation. That, in turn, makes them do all sorts of things which are not the best for the environmental management of the area. I have heard of people with volumetric licences, for instance, who have pumped water down creeks rather than lose their allocation, in case they need it during a drought.

If water is to become a tradeable commodity, surely it should be a fully tradeable commodity, that is, it has a commercial value and it is put on a register and, if someone wants to purchase or lease all or part of that allocation, they do so on a commercial basis. If, however, there is no value to that water—no-one wants it—why should someone be paying to keep it? Why cannot it sit there until there is a commercial value to it?

The Hon. SANDRA KANCK: I am afraid an argument that seeks Democrat support on the basis that the market should decide is one that carries no strength with us at all. I cannot in any way see that this moves things along, and we will not support the amendment.

The Hon. A.J. REDFORD: The current situation under the Water Resources Act is that levies are raised under either division 1 or division 2 of part 8 of that act. Division 1 levies are charged on water taking licences, which give a right to take water from a resource. Division 2 sets out arrangements that raise levies from all land-holders through the local government rating system. That does not apply to water holding licences. Currently, section 138(11) exempts people from paying a levy in respect of land (which is a division 2 levy) if that land is levied in respect of a water licence. Section 122A sets out the provisions relating to levies on water holding licences. Water holding licences confer an ability to apply at some future date for a water taking licence by reserving a volume of water but not allocating that water. It is an acknowledgment that has been recognised by this parliament of the rights of current land-holders who may well be disadvantaged in relation to initial allocations, and I think that has been pretty well supported by all parties in this chamber. It came about, in fact, as a consequence of a select committee in another place that came down with some unanimous recommendations.

The section that we are dealing with has three fundamental parts. First, it has a clause that is unique, in a statutory sense, to South Australia—and, indeed, I would say very rare—which empowers the minister to effectively revoke a section of the act by giving notice in the *Gazette*. That is a very unusual provision in legislation. The second aspect is that it sets out provisions relating to the imposition of the levy. The third aspect is that it imposes a minimum fee, which is set by regulation, in lieu of the levy where the licensee demonstrates that there is no demand for water licences in the particular management area and, thus, the holding of the water licence in no way impedes further development.

It should be noted that the levies imposed under this section were waived until the current financial year, awaiting the department's development of its web-based trading site so that licensees could test the market. The opposition's amendment seeks to remove the minister's powers under (1) above. In other words, what we seek to do is remove the power of the minister to arbitrarily, by dint of executive government, revoke the application of the entire section. Indeed, I have no doubt that one of the first acts this minister will adopt will be to revoke the application of this section, which puts him in a stronger position than even the Governor when it comes to this clause.

The sections described in the Water Resources Act 1997 have been transferred into this bill. Further, section 138(11) does not apply to a water holding licence as such, and licensees are charged both division 1 and division 2 levies. In spite of the catchment board's request that water holding licences be treated similarly to water taking licences in regard to an exemption for division 2 levies, the minister has refused to accede to the request. He has proposed that affected licences will be given an ex gratia payment where they can demonstrate to the department's satisfaction that they are disadvantaged. In this respect, just in case the Hon. Sandra Kanck doubts my word (and I suspect she normally does), I will read into *Hansard* a letter from the minister to Mr Hugo Hopton dated 24 March 2002, as follows:

> Dear Mr Hopton,
>
> Thank you for your recent letter providing further support for the board's recommendation of providing for a minimum levy as part of the levy structure in the South-East in 2004-05. I have noted the board's views expressed in several letters over the last few months.
>
> As indicated in my letter of December 2003, I am generally supportive of the proposed new structure for levies on water (holding) allocations. However, I do not support the board's request for the removal of the exemption from the land-based levy provided to licensees for land associated with use of water (taking) allocations. I believe, however, that licensees with water (holding) allocations should not pay more than licensees with equivalent volume of water (taking) allocations.

In other words, what the minister is saying is that all should be treated equally. He then stated:

> The proposed new levy structure for water (holding) allocations will provide a significant reduction in levy payments to the majority of the licensees. Where licensees are able to demonstrate to the satisfaction of the Department of Water, Land and Biodiversity Conservation that they have not received benefit from the new structure that is at least equal to the amount of a single land-based levy, the department will provide an ex gratia payment for the balance.
>
> I understand the board's rationale behind its suggestion for the establishment of a minimum levy for all water-based levies; however, it would not be possible to amend the Water Resources Act 1997 in time to enable such a levy to be established as part of the 2004-2005 levy structure. The parliament currently has more legislation before it than at any other time in its history.

That is news to me, because it is the lightest load I have seen since I have been in parliament. The minister continued:

> As you are aware, the Natural Resource Management Bill 2004 includes provision for a minimum levy. The board has recommended that I seek regulations similar to those made in 2003 to ensure levy equity for licensees in the Tintinara Coonalpyn Prescribed Wells Area.

What we are seeking to do here is to remove the capacity of the minister to arbitrarily ignore a section of parliament by simply gazetting a notice—in other words, without any parliamentary scrutiny whatsoever; and, secondly, to set out a regime that will provide some degree of certainty and, if there is not certainty, that it at least can be justiciable (and I am sure that the Hon. Nick Xenophon would understand that) in relation to this issue.

It is wholly inappropriate for us to pass laws in the way in which this law is framed, that is, that the minister can simply choose to ignore it if he or she sees fit. That is bad law making whether you are talking about water resources or any other matter. Anyone who understands the paramountcy of parliament and the way in which legislation is made should not allow a situation where a minister can simply choose to say that this section does not exist any more.

I hope that explains the position of the opposition in relation to our amendment and, in particular, gives some degree of certainty in relation to water holding licences which at the end of the day is consistent with the new-found principles of the Hon. Terry Roberts when he expounds the COAG principles.

The Hon. NICK XENOPHON: Unfortunately, I do not share the certainty of both the opposition and the government with respect to this amendment and this clause. I put some questions at large to the Hon. Caroline Schaefer, the Hon. Angus Redford, the Hon. Sandra Kanck and the minister. As I understand the amendment in its current form, it provides a levy for the purpose of managing water resources in particular areas. That is the first issue.

The Hon. A.J. REDFORD: Yes, that is correct. It is peculiar to water holding licences which are peculiar to the South-East.

The Hon. CAROLINE SCHAEFER: Since it is a question at large, I think the broader picture is that nowhere else that I know of in the state does one pay a levy for water that one is not using.

The Hon. NICK XENOPHON: I thank the Hon. Caroline Schaefer for that information. As I understand the government's policy rationale, it is to encourage the efficient allocation of those water resources if they are not being used. That is my understanding.

The Hon. T.G. Roberts: The River Murray has the same measures.

The Hon. NICK XENOPHON: The minister says the River Murray has the same, but the reservation I have with respect to the government's clause is this: what guarantees are there that we will not end up with a levy that goes way beyond its stated purpose of managing the resource and that it will not be a particularly onerous tax or levy? What safeguards are there with respect to this levy; and can the minister confirm that this is unique to the South-East, or does it also apply to the River Murray?

The Hon. T.G. ROBERTS: There are two different answers to those two questions. The important one is that the levy will be set in consultation with local boards. In the South-East there has been a whole range of discussions over a wide range of issues which, if they have not reached general agreement, have been settled on issues about which people have had arguments for a decade or more. The idiosyncrasies of water management within each particular board's area will be taken into account with the land use, water use and all the other environmental use questions, and it will be left to the local boards to make a recommendation.

The Hon. NICK XENOPHON: Again, I have a question at large. I think there are some aspects arising from some of the comments made by the Hon. Sandra Kanck and, to paraphrase, she says that it is not the Democrats' position to let the market forces decide, and I understand and respect that. However, if this is about a levy to assist the management of a precious resource, are the criteria sufficiently set out in the legislation to ensure that that is what the levy is about and that it will not be a levy at large? That is one of my concerns.

The other aspect, picking up on the Hon. Sandra Kanck's comments, is that, paradoxically, if you do not support leaving it to the market forces at large, if this levy was misused, could it, in a sense, distort the market? That might not be a bad thing if there are some very clear environmental concerns—

The Hon. A.J. Redford: It is always paramount. This does not change that.

The Hon. NICK XENOPHON: Mr Acting Chairman, it is at large. I think it is a complex area. I have not lived with this bill as other honourable members have (particularly the Hon. Angus Redford), but I am concerned to ensure appropriate management of the resource. I do not want to stymie a levy for that management but, by the same token, I want to ensure that there is no abuse of powers with respect to that levy.

The Hon. A.J. REDFORD: I have a direct question for the minister. Is there anything in the report of the select committee that would support the position the government has taken?

The Hon. T.G. ROBERTS: Which select committee: the first or the second?

The Hon. A.J. REDFORD: The second—or either of them.

The Hon. T.G. ROBERTS: The advice given to me, and it is being cross-checked now, is that the government's position is supported by the select committee's recommendations, but I suspect there would be some fuzzy edges around many of the recommendations and how they apply.

The Hon. A.J. REDFORD: I am astonished at that answer, and I know the minister would not be giving it directly from his own knowledge because even he would not be bald-faced enough to do that. I think the Hon. Nick Xenophon needs to understand this. When we established the water holding licence, the select committee recommended (and it was unanimously supported) preserving some water that might be made available for the future, and we called this a water holding licence. Quite frankly, through some perverse means, this was actually a conservation measure, because the policies until that point were to force people to use water, as the Hon. Caroline Schaefer said, even in a wasteful sense, because if the water was not used they lost their property right. That is the way the Water Resources Act was being administered, and still is. Indeed, as I speak there are still people going out saying to people who hold water licences: 'If you do not use your water, it will be taken away.'

I am surprised at the Hon. Sandra Kanck's position because I would have thought that, if the Democrats were going to be consistent, their position would be that, if there is a measure that will preserve the use of water and, indeed,

stop development for development's sake (and that is what we see here), they would support it. I would support such a proposition. That is what the select committee endorsed: a proposition which would stop this madness of people rushing out to get water licences and stop them using the water for no apparent reason other than to preserve their rights.

That is the proposition of the select committee. In order to encourage that, it was quite clear, based on the implicit recommendations of the select committee and the statements made by various representatives on the select committee (including the now minister, the Hon. John Hill), that holding licences would be rated at a different rate than taking licences—that is, those people who actually use the licences. We have had a complete reversal of that policy (and the Hon. Terry Roberts would know this because it was the subject of media comment not so long ago) whereby those people conserving the water are being charged at the same rate as those using the water. That is quite a perverse and bizarre position, but I am not surprised, given the history of water management in this state over the last seven or eight years.

That is the position we have. We are seeking to implement the intent and the desire of the select committee in the establishment of a water holding licence system, that is, to stop this mad and stupid rush, firstly to get a licence, and secondly to use the water. The effect of the current policies, which I understand from what the Hon. Sandra Kanck has just indicated in terms of her position, is that people will be forced to use the water because it will be uneconomic for them not to use the water. The position that the Hon. Sandra Kanck has taken is akin to saying to a person who has a natural scrub block, which they are seeking to preserve, that they are going to pay the same rates and taxes and the same levies as someone who is using the water.

I have to say that is a perverse position. I am not surprised that the government has got to that position because it seems to me that the bureaucrats are totally dominant in this government. That seems to be a bizarre position. I cannot advance the cause any further than that. I do acknowledge, however, that it is a complex issue and I also acknowledge that it is difficult for those who have not really analysed some of the quite bizarre and inconsistent policies of this department to understand the impact and consequences of them.

The Hon. T.G. ROBERTS: The question was asked in relation to the select committee's findings and recommendations. The select committee found that the levy structure should be based on the value of the resource. The holding value for environmental purposes is known.

The Hon. A.J. Redford: You can't sell a holding licence; there is no value to it.

The Hon. T.G. ROBERTS: Environmentally there is. There is an environmental value. The holding levy in 2004-05 is being set at a rate which reflects its value. In areas where it is of low value it will be 90¢ per kilolitre. Where it is valuable, it will be charged at the same rate as the taking allocation, which is $1.97 per kilolitre. That is the information given to me.

The Hon. A.J. REDFORD: It is perverse because the minister says that there is a value in relation to holding licences. There is no value until you convert it into a taking licence, and then you might have the opportunity to sell it. While it is a holding licence it is of no value other than as an environmental value.

The Hon. T.G. Roberts: That is the point that I am making.

The Hon. A.J. REDFORD: I accept that. If we want to encourage environmental outcomes, we must treat these holding licences in a beneficial way when it comes to rating, not to encourage people for no reason other than to preserve their property right, to go out and use the water, that is if this department's conservation values are to be accepted and believed.

The Hon. T.G. ROBERTS: At this stage we seem to have slowed down a little. I suggest that we report progress while some information is being gathered for the honourable member.

Progress reported; committee to sit again.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 1690.)

The Hon. IAN GILFILLAN: The Democrats will not support the second reading of this bill and I hope to explain it at least in part in this contribution. There is an old saying that bears repeating here: to a man with a hammer every problem looks like a nail. This government does not just have a hammer. It is skulking around with a sledgehammer. There is only one answer, no matter what the question is, and that answer is more gaols, longer sentences and more constraints for jurists. I sympathise and acknowledge the position taken by the Law Society, and I quote what it has said in relation to this legislation:

> The courts will be required to take notice of the increase in penalties which may result in more persons being imprisoned rather than previously. This may lead to further overcrowding of the prisons and expense in the keeping of such persons in custody. This may well be the intended desire of the legislator in any event, although it is arguably against the interests of the community generally.

I am forced to wonder if the government cares one whit about the interests of the community in general or the consequences of jamming ever-increasing numbers of people into gaols that are already filled. Is it the government's expectation that people will be filled with a generosity of spirit after being stacked into prisons like pool cues in a rack? Is the government hoping that the taxpayers will reward it with their vote as the ever-increasing burden of no doubt privatised extra prisons drives up costs in this state? Is it the government's intention to take us down the Kentucky path and continue this strategy until, through the burden of increased prison numbers, we threaten the economic viability of the state?

One South Australian academic summarised the flaws of this bill in a single succinct sentence: the mindless ratcheting up of penalties. I believe that is where it is. The government's sledgehammer hits them harder no matter how much this increases—and I emphasise 'increases'—crime. It appears the government is determined to ignore all the research that shows that crime is committed by people who are socially disenfranchised, and the best way to prevent crime is to identify people early and help them be included in social networks to avoid their being offenders.

Is it the position of the government to ignore the evidence that the best methods of rehabilitation engage the perpetrator and lead them to reintegration with society mores and values, not by dehumanising them with extended periods of deprivation of liberty and privacy? Is it the position of the government to ignore the hardworking justice professionals who explain that 'talking tough' on crime increases the level of

fear and anxiety in the community and causes people to feel more rather than less disconnected with their fellows?

I indicate that the Democrats will not be supporting this bill. We will be involved in the committee stage. I am not in a position to outline all the positions and concerns that we have on the various clauses. I commend, as is frequently the case, the Hon. Robert Lawson who gave a detailed, lucid and eloquent analysis of the bill. I expect that we will have a challenging and interesting committee stage. However, from our point of view, it is important to reflect that the bill is introduced with a comprehensive range of issues not necessarily just attributed to the title of the bill.

It is a pity that some of the useful parts—there are not many but there are some—are lost in the morass of the rest of the bill, because the bill is presented and is argued (basically by the government) as being a move to increase law and order and to deter and punish offenders for a category regarded in the terminology of the bill as 'aggravated offences'. I think that it is important to repeat the definition of 'aggravated offence' for the purposes of this contribution. I cannot help but reflect that, just before 'aggravated offence' is defined in the bill, there is this rather bemusing clause. Clause 4 of the bill provides:

> Section 5(1)—delete the definition of cattle and substitute:
> aggravated offence—

It seems to me that this may well be an inadvertent reflection about the intellectual level and rigour of this particular legislation as it approaches this so-called aggravated offence. Clause 4 of the bill continues:

> . . . where a provision differentiates between the penalty for an aggravated offence and the penalty for a basic offence, the reference to an aggravated offence is a reference to the offence in its aggravated form. . .
> basic offence—where a provision differentiates between the penalty for an aggravated offence and the penalty for a basic offence, the reference to a basic offence is a reference to the offence in its non-aggravated form. . .

I would imagine that not only the average member of the public but also many practising lawyers would find this particular distinction confusing. And, as has been predicted following academic analysis of the bill, it will be a field day for lawyers looking for new areas for litigation. In fact, they may not even be able to avoid quite substantially new areas for litigation; and, as members will know, that means even further burdens on the courts and further costs loaded onto our justice system. What I find so difficult to accept and to approve in any form is that we need to legislate between 'aggravated' and 'basic' as it applies to an offence.

In our justice system, courts, judges and juries are given the responsibility to interpret the varying degrees of seriousness and the various aspects that define the degree of punishment which may apply to an offender under a category of having committed an offence as identified in statute. It is the court's task to determine whether in fact the offence was aggravated, whether in fact it was provoked and what are the mitigating circumstances. The only justification for this appearing before us is that the government was determined, again, to try to portray itself as picking any malefactor in our community and identifying their actions in a way which puts them in a simplistic form to which legislation can be addressed as if it is the solution.

In an earlier part of my contribution I indicated that that is a fairy tale, because increasing penalties does not reduce offending, however good it may make the government feel. There are many areas in which I believe there will be involved debate in this chamber. However, one other final point to which I would like to refer is the so-called terminology 'criminal negligence' in the contribution of the Hon. Robert Lawson. I interjected that criminal negligence appears to me to be an oxymoron.

The Hon. T.G. Roberts: Don't call me an oxymoron!

The Hon. IAN GILFILLAN: Well, I will call him oxy—

An honourable member interjecting:

The Hon. IAN GILFILLAN: Yes, which half would you prefer to be called? You can take your pick. I do not intend to tease this out, but it is quite clear that, if there is negligence, negligence is an admission to do something which one should have done or not done one way or the other that can be determined as negligence, and the consequences of the negligence can be minimal or quite profoundly dramatic. The intention of the person who is negligent can vary between someone who has been irresponsibly negligent or someone who has just forgotten to take a certain action.

But if it is to be defined as criminal, that determines that there is a state of mind of that person to commit an offence and, under those circumstances, there is an offence which is of a criminal nature. There may also be another part of the action or non-action which is negligent. That is one example of it, but I believe there is a confusion of thinking right through this bill. As I said before, although there are minuscule parts in the bill which would have been, if they were on their own, worthy of support, because we feel that the legislative pattern this government is following is reprehensible it is our intention to vote against the second reading and oppose the bill right through whatever stages it reaches.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

PITJANTJATJARA LAND RIGHTS (REGULATED SUBSTANCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 1575.)

The Hon. KATE REYNOLDS: My colleague has just noted that the Democrats are carrying the afternoon, so I am pleased to make my contribution. However, it will be quite short. I rise to indicate Democrat support for this bill. It is intended to support both the police and the community to address the on-going issue of the sale, supply or possession of a regulated substance for the purpose of the sale or supply of any such regulated substance to another person. In other words, it is intended to provide assistance to the police and the community to deal with the issue of petrol sniffing. The Democrats have been on the record for many years as wanting more action both within the communities and in the legislative arena to address this issue, so we support the bill.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 1657.)

The Hon. SANDRA KANCK: This bill deals with a portion of land known as the Unnamed Conservation Park,

or sometimes known as the L-shaped Conservation Park, which is to be returned to the control of the Maralinga Tjarutja people. At the same time, it envisages cooperation between the government and the Aboriginal people in managing not only this park but future specified conservation parks or national parks, so I suppose it is a template. This is a step forward in the process of reconciliation between the original inhabitants of South Australia and the many immigrants, mostly of a lighter skin colour, who have moved to Australia and to South Australia.

Having visited the Pitjantjatjara lands, I am acutely aware of the need for employment opportunities for indigenous people. This bill holds out the promise of job creation for the Maralinga Tjarutja both in managing the park and developing ecotourism in the area. In the Pitjantjatjara lands, some hold out for the dream of a mining bonanza providing jobs and wealth, while that same prospect is abhorred by others, and obviously it leads to some tensions. But a move such as in this bill has greater potential for a sustainable industry and, for that matter, an industry that is much more gentle on the environment. I note that mining and prospecting will still be allowable activities, but under clause 27 it can be done only with the approval of the 'registered proprietor' of the land.

I hope that any mining that is contemplated will take place with the utmost care because of the extraordinary environmental values of this park. It was declared a UNESCO biosphere reserve in 1977 and it is one of the largest arid zone biosphere reserves in the world. The minister's seconding read explanation gave passing mention of the Serpentine Lakes that are contained within this park. In understanding the significance of the L-shaped Conservation Park, it is worthwhile reflecting on the geological significance of the Serpentine Lakes. In its April 1996 report to the minister for environment and heritage on areas of the Great Victoria Desert recommended for protection under the Wilderness Protection Act 1992, the wilderness advisory committee described the lakes as 'a significant landscape feature with low cliffs of up to 10 metres in height, revealing Palaeozoic cross-bedded sandstones incised by the channel. Islands and lunettes are a feature along parts of the eastern shore.'

The wilderness advisory committee described the wilderness quality of this park as 'virtually unsurpassed in arid Australia'. The park is probably best known for fauna such as the rare Alexandra's (or Princess) parrot and the spectacular looking scarlet-chested (or Splendid) parrot, and flora such as the majestic marble gum, the desert oak and the desert Kurrajong. The Nature Conservation Society of South Australia in 1980 identified 10 plant species in the park which are rare or threatened, and found one species that had previously been thought to be extinct. And amongst fauna, the Nature Conservation Society also found a silvereye skink which, at that time (1996), was only the second time this species had been collected in South Australia. That report also mentions a hemiptera bug, a possible new species, which had only recently been discovered living in the bark of the marble gums.

Yet despite such high biological values, there has been a limited number of biological surveys of the area. Clearly, the geological, archaeological and biological values of the area lead one to conclude that there is high potential for carefully controlled ecotourism in the park. I must say that, when this bill is through and we do have that management plan in place as agreed between national parks and the Maralinga Tjarutja, I would certainly be one who would be very interested in visiting that site. Hopefully, also this process will result in more studies of the area to further define just what needs to be protected. It should be noted that the management plan that is already in place was developed by national parks and wildlife and the Maralinga Tjarutja, so, to some extent, this bill will formalise what is already happening.

For the record, I would appreciate an explanation from the minister as to why the environmental protection is to be achieved via the National Parks and Wildlife Act, rather than, as that 1996 report recommended, under the Wilderness Protection Act. The Democrats offer strong support for the concept of return of land to the control of the indigenous people and see this bill as a positive step for the environment and for South Australia. We support the second reading.

The Hon. J. GAZZOLA secured the adjournment of the debate.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

The House of Assembly requested that a conference be granted to it respecting certain amendments in the bill. In the event of a conference being agreed to, the House of Assembly would be represented at the conference by five managers.

NATURAL RESOURCES MANAGEMENT BILL

In committee (resumed on motion).

(Continued from page 1796.)

The Hon. NICK XENOPHON: I have had an opportunity to have a discussion with the minister about this issue. As I understand the issues, the background to this clause is that the minister (Hon. John Hill) moved that this matter be referred to a select committee on water resources whilst he was in opposition. Members of that committee included the Hon. Graham Ingerson, Mitch Williams (the member for MacKillop) and Graham Gunn (the member for Stuart). The committee unanimously agreed to allocate water rights on a pro rata basis, including to dry land farmers in the South-East, and recommended that there be a mechanism for a holding levy as well as a taking levy. The purpose of this clause is to deal with the anomalies that existed previously with respect to water rights, particularly in the South-East. The rationale behind this clause, in a sense, is primarily to pay rent to help look after the resource in terms of the environmental management.

The minister has assured me that there are checks and balances in the legislation, that the NRM board in the South-East would have to set this levy, and that there would have to be consultation with the community. If there was dissent, it would then have to be referred to the NRM committee of the parliament for a vote and, ultimately, be dealt with by the minister and cabinet. The minister has set out all those things, but I still have concerns about how this would operate in terms of the fears of the opposition, in particular, the Hon. Angus Redford. I am prepared to support this clause and

not the opposition's amendment subject to there being a sunset clause of three years from the date of proclamation, which would force this issue to come back to the parliament. I know that might not be the opposition's preferred approach, but I think it would provide a safeguard, a safety mechanism. So, I will move, in due course, once the extremely hardworking parliamentary counsel has drafted it, an amendment to that effect so that the matter can be dealt with.

The minister has assured me that there are all these mechanisms in place to safeguard the rights of landholders, but the opposition obviously has a different view. Having a sunset clause for this clause would ensure that it would be brought back to parliament three years after proclamation so that we can then have a good look at it to see how it has impacted on those licence holders. If it is what the minister says it will be, it will not be a controversial issue for this matter to be passed again. However, if it has caused dire consequences, as the Hon. Angus Redford and others fear, obviously it can be revisited. I feel that that is a reasonable result in the circumstances, if it is supported by honourable members in this chamber.

The Hon. T.G. ROBERTS: The government will support the proposition put forward by the honourable member.

The Hon. CAROLINE SCHAEFER: I think some considerable gains have been made by the government's agreement to a sunset clause. Nevertheless, the Hon. Terry Cameron has indicated that he will support the opposition's amendment, so I will be calling for a division. If I am not successful, I will support the Hon. Nick Xenophon's amendment.

Progress reported; committee to sit again.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That a message be sent to the House of Assembly granting a conference as requested by that house; that the time and place for holding it be the Plaza Room at 9.30 a.m. on Tuesday 8 June 2004; and that the Hon. S.M. Kanck, the Hon. J.M.A. Lensink, the Hon. A.J. Redford, the Hon. N. Xenophon and the Hon. C. Zollo be the managers on the part of this council.

Motion carried.

NATURAL RESOURCES MANAGEMENT BILL

In committee (resumed on motion).

The Hon. NICK XENOPHON: For the reasons outlined before progress was reported, I indicate that I will be moving an amendment. In support of that amendment, I point to what I said before progress was reported: that is, it provides a safety valve for those who have a concern about this clause and it will ensure scrutiny of this clause by parliament three years after commencement of the act.

The Hon. CAROLINE SCHAEFER: Similarly, as I indicated about an hour and a half ago, I will call for a division and, if I am not successful, I will support the amendment of the Hon. Nick Xenophon.

The Hon. A.L. EVANS: I like the opposition's original position, but there is quite a deadlock here and no-one can be sure of the outcome, so I think three years is probably a good approach. It is a major step and it may prove to be a total disaster or it may be beneficial. Because of that uncertainty, I prefer to give it a go and see what happens.

The committee divided on the amendments:

AYES (7)

Dawkins, J. S. L.	Lensink, J. M. A.
Lucas, R. I.	Ridgway, D. W.
Schaefer, C. V. (teller)	Stefani, J. F.
Stephens, T. J.	

NOES (8)

Evans, A. L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Kanck, S. M.	Roberts, T. G. (teller)
Xenophon, N.	Zollo, C.

PAIR(S)

Redford, A. J.	Sneath, R.K.
Cameron, T. G.	Reynolds, K.
Lawson, R. D.	Holloway, P.

Majority of 1 for the noes.

Amendments thus negatived.

The Hon. NICK XENOPHON: I move:

Page 87, after line 2—Insert:

(8) This section will expire on the third anniversary of its commencement.

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 103 to 107 passed.

Clause 108.

The Hon. CAROLINE SCHAEFER: I move:

Page 93, line 6—Delete 'Treasurer' and substitute 'Auditor-General'.

This amendment seeks to make the Auditor-General (instead of the Treasurer) responsible for guidelines established on the costs paid by boards because of levies collected. We believe that leaving the Treasurer to be responsible for such guidelines leaves the fox guarding the chickens.

The Hon. T.G. ROBERTS: The government opposes this amendment. A fundamental role of the Treasurer is to determine policies and guidelines for the proper financial management of public funds. A fundamental role of the Auditor-General is to ensure that these guidelines are adhered to. The Auditor-General can review and consider these at any time. Therefore, it is inappropriate for the Auditor-General to set the guidelines, as there is then no independent review.

The Hon. SANDRA KANCK: Can the Hon. Caroline Schaefer give me examples elsewhere of the Auditor-General setting such guidelines?

The Hon. CAROLINE SCHAEFER: No, I cannot, and I cannot give the honourable member the assurance that this is groundbreaking new legislation, either. I simply do not know.

The Hon. R.I. Lucas: He was very actively engaged in the guidelines for electricity.

The Hon. CAROLINE SCHAEFER: I have been informed by those much more knowledgeable than I that the Auditor-General was very involved in the guidelines for the electricity privatisation.

The Hon. SANDRA KANCK: I find it interesting that the opposition has new-found confidence in the Auditor-General and I think that, in the interests of ensuring continuity of such support for the Auditor-General, I will support the amendment.

The Hon. CAROLINE SCHAEFER: Contrary to that, we have new-found doubts about the Treasurer.

The Hon. NICK XENOPHON: I support this amendment. I think it is groundbreaking that the opposition has this new-found confidence in the Auditor-General; I find it heartening. The reservation I have is that, if this is going to cause some sort of a nightmare in the administration of the legislation in that it goes beyond the purview of the Auditor-General's statutory responsibilities, perhaps it could be reconsidered. I am with the Democrats on this one.

The Hon. A.L. EVANS: I support the opposition.

The Hon. SANDRA KANCK: Having said that I would support it, I would like to know whether the Auditor-General has been consulted about this.

The Hon. T.G. ROBERTS: If we report progress at this stage that will give us time to negotiate.

Progress reported; committee to sit again.

RAILWAY EMERGENCY PROCEDURES

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I table a ministerial statement in relation to railway emergency procedures made by the Minister for Transport on 2 June.

FORESTRY, SOUTH-EAST

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I table a ministerial statement on forestry in the South-East made by the Minister for Environment and Conservation today.

GUARDIAN FOR CHILDREN AND YOUNG PEOPLE

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I table a ministerial statement in relation to a guardian for children and young people by the Minister for Families and Communities.

HILLS FACE ZONE

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I table a ministerial statement on the hills face zone made in the other place by the Minister for Urban Developent and Planning.

CRIMINAL LAW CONSOLIDATION (ABOLITION OF THE DRUNK'S DEFENCE) AMENDMENT BILL

Received from the House of Assembly and read a first time.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

ADJOURNMENT

At 6.06 p.m. the council adjourned until Thursday 24 June at 11 a.m.