LEGISLATIVE COUNCIL

Tuesday 19 September 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.18 p.m. and read prayers.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (REGULATED SUBSTANCES) AMENDMENT BILL

Her Excellency the Governor, by message, assented to the bill.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 171 and 500.

QUESTIONS ON NOTICE, REPLIES

171. **The Hon. R.I. LUCAS:** Will the minister provide answers to the following questions asked on the dates indicated below and recorded in *Hansard* under the subject lines indicated below, that the minister has either taken on notice or has indicated will refer to a minister in another place and bring back a reply:

1. 6 April 2005—Mental Health; and
2. 7 April 2005—Mental Health?

The Hon. CARMEL ZOLLO: I advise:

No. As the honourable member is aware, all business on the Notice Paper as at 1 December 2005, including all questions without notice asked prior to that date, has lapsed due to the prorogation of the 50th Parliament.

CORRECTIONAL SERVICES DEPARTMENT, EMPLOYEES

500. **The Hon. J.M.A. LENSINK:** As at 30 June 2006, how many of the following were employed by the Department of Correctional Services, and in what capacity:

1. Social workers;
2. Psychologists;
3. Psychiatrists;
4. Occupational therapists;
5. Mental health nurses;
6. Nurses;
7. Medical officers (excluding psychiatrists)?

The Hon. CARMEL ZOLLO: I am advised that as at 30 June 2006:

The Department for Correctional Services had a total of 131 FTE Social Worker positions, of those 122.7 were filled, reflecting the Department's commitment to an ongoing recruitment process. Of the 122.7,

- 22 were employed in the Intervention Teams within the prisons;
- 3 were involved with the Throughcare Team;
- 4 were part of the Rehabilitation Programs Branch;
- 92.7 were employed across Community Correctional Centres, including a Manager of Community Intervention Programs; and
- 1 Principal Social Worker was employed to support the work of the Department's Institutional Social Workers.

The Department had 27.4 Psychologist positions, of those 23.2 were filled. Interviews were held in late June for the remaining vacant positions, including a Senior Psychologist to service Port Lincoln and Port Augusta Prisons. The positions were filled in the following manner,

- 5.6 were employed in the prisons;
- 4.4 were employed across the Community Correctional Centres, including a trainee psychologist under supervision;
- 2.2 were assessment psychologists, including a trainee psychologist under supervision;
- 2 were senior roles providing management, clinical supervision and handling complex cases;
- 7 psychologists employed in the Rehabilitation Programs Branch, one of which is the Manager; and
- 2 psychology-trained clinicians involved in the assessment, delivery and evaluation of the sex offender and violent offender programs.

Employees with qualifications in social work or psychology but not employed as Psychologists or Social Workers are not included in the figures reported.

Prisoner and offender health services are provided by SA Prison Health Services. The SA Prison Health Service is a unit of the Royal Adelaide Hospital. It provides health services to prisoners including general medical, surgery, pharmacy, nursing, dental, hospitalisation, psychiatric clinics, and emergency care. Therefore, associated medical professionals are employees of the Department of Health. The general principle applied is that prisoners are to have access to the same standard of health services available to the wider community.

All prisons provide medical services that are staffed each day by medical professionals, except Mount Gambier Prison, South Australia's only privately operated prison, which has nursing staff available five days per week and a General Practitioner Clinic once per week. Yatala and the Adelaide Remand Centre have infirmaries to which prisoners are transferred for more specialised health care or if 24-hour medical supervision is required.

Psychiatric services are provided through Forensic Mental Health Services, James Nash House. Prisoners in regional areas are transferred to the metropolitan area in the event that psychiatric services are required urgently or on an occupancy basis.

SA Prison Health Services receive approximately 60 hours of face-to-face clinical psychiatrist contact time per month. This amounts to 0.5 FTE.

Occupational Therapist services are organised on a needs basis and are funded by the Department for Correctional Services, but there is no Occupational Therapist employed on a regular basis.

Some 62 nurses are employed by SA Prison Health Services, of which 15 are mental health trained. In addition, Mental Health Nurses are provided to the prisons via an inreach service by the Forensic Community Team; the visiting Forensic Community Team provides 1.0 FTE clinical nurse time in prison.

SA Prisoner Health Service has 3.9 FTE clinical medical staff plus 1.2 contracted community General Practitioner Doctors in rural areas.

MEMBERS, REGISTER OF INTERESTS

The PRESIDENT: I lay upon the table the register statements pursuant to the Members of Parliament (Register of Interests) Act.

Report received and ordered to be printed.

CITIZEN'S RIGHT OF REPLY, RUMBELOW, Mr J.

The PRESIDENT: I have to advise that I have received a letter from Mr John Rumbelow, Chief Executive Officer of the District Council of Streaky Bay, requesting a right of reply in accordance with the sessional standing order passed by this council on 30 May 2006. In his letter of 10 July 2006, Mr Rumbelow considers that the Hon. S.M. Kanck has shown council in a bad light by what he claims to be 'untruthful comments' in her second reading speech on the Development (Panels) Amendment Bill in this council on 30 May 2006.

Following the procedures set out in the sessional standing orders, I have given consideration to this matter and believe that it complies with the requirements of the sessional standing orders; therefore, I grant the request and direct that Mr Rumbelow's reply be incorporated in *Hansard*.

10 July 2006
Hon. Bob Sneath MLC
President, Legislative Council
Parliament House
ADELAIDE SA 5000
Dear President

The District Council of Streaky Bay's Development Assessment Panel wishes to object to comments made by the Hon. Sandra Kanck

in her speech to the house on 30 May 2006, during debate on the Development (Panels) Amendment Bill.

I quote the Hon. Sandra Kanck from *Hansard*, 30 May 2006:

> I mentioned this during matters of interest a few weeks ago, but not everyone who is following this debate would have read my speech about the Chain of Bays.Streaky Bay council approved the construction of a house in amongst sand dunes at Sceale Bay in an area that is so pristine that environmentally conscious people believe it should be designated as a coastal conservation park. The example I gave in that speech was of the approval that the Streaky Bay council had given for this house in amongst the sand dunes. It is a bright ochre coloured, two-storey house in amongst lovely pale grey sand with grey/green vegetation. Really, I believe that this is an example where, if independents were on a council, such a decision might not have been made. In this case one might allege cronyism, because the approval was given for a house to be built for the council's coastal management officer.

To allege 'cronyism' played a part in the decision to approve a development application for 'council's coastal management officer' is abhorrent. Not only is it abhorrent it is inaccurate as the applicant is not a council employee. The applicant is in fact employed by the Eyre Peninsula Natural Resource Management Board as a coastal officer.

It is also certainly debatable if this particular area is 'so pristine that environmentally conscious people believe it should be designated as a coastal conservation park.' Whilst some people may think it is pristine there is plenty of evidence to suggest that it is not pristine due to previous grazing and farming activities.

I understand the Hon. Sandra Kanck did visit our district recently but she did not attempt to discuss the matter with council, to at least enable her to hear 'both sides of the story'.

It is the opinion of the District Council of Streaky Bay Development Panel that the Hon. Sandra Kanck has shown council in a 'bad light' by her untruthful comments and it seeks your assistance in having *Hansard* corrected by inserting this letter into the record.

I'm happy to discuss this matter with you should that be necessary.

Yours faithfully
JOHN RUMBELOW
CHIEF EXECUTIVE OFFICER

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

- Adelaide Festival Corporation—Report, 2005-06
- Award of Extension of Route Service Licence on Adelaide-Coober Pedy Scheduled Airline Route—Report
- Regulations under the following Acts—
  - Criminal Law Consolidation Act 1935—Vehicle Harm
  - Daylight Saving Act 1971—Daylight Saving Hours
  - Road Traffic Act 1961—Prescribed Drug
  - Superannuation Act 1988—Contributors
- Rules of Court—
  - District Court—District Court Act 1991—Sheriff's Duties
  - Magistrates Court—Magistrates Court Act 1991—Sheriff's Duties
  - Supreme Court—Supreme Court Act 1935—Sheriff's Duties

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

- Light Regional Council—Heritage Plan Amendment Report

By the Minister for Emergency Services (Hon. C. Zollo)—

- Phylloxera and Grape industry Board of South Australia—Report, 2005-06
- Regulation under the following Act—
  - Primary Industry Funding Schemes Act 1998—Grain Growers Rail Fund

By the Minister for Environment and Conservation (Hon. G. E. Gago)—

- Boundary Adjustment Facilitation Panel—Report, 2005-06
- Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report for the period 1 April 2006 to 30 June 2006
- Regulations under the following Acts—
  - Liquor Licensing Act 1997—Dry Zones—Victor Harbor
  - Local Government Act 1999—Members' Allowances
  - Occupational Therapy Practice Act 2005—General
  - Pastoral Land Management and Conservation Act 1989—General
  - Pharmacists Act 1991—General
  - Physiotherapy Practice Act 2005—General
  - Podiatry Practice Act 2005—General
  - Public and Environmental Health Act 1987—Swimming Pools
  - South Australian Health Commission Act 1976—Cancer Reporting.

DROUGHT RESPONSE

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a ministerial statement on drought response made by the Minister for Agriculture, Food and Fisheries in another place.

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY: I seek leave to move a motion without notice concerning the Natural Resources Committee.

Leave granted.

The Hon. R.P. WORTLEY: I move:

That members of this council appointed to the committee have permission to meet during the sitting of the council this day.

Motion carried.

QUESTION TIME

POLICE RESOURCES

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 police resources.

Leave granted.

The Hon. R.I. LUCAS: Prior to the recent election, the Labor Party, then Labor government, announced a police policy indicating that it wanted to build new shopfront police stations at Campbelltown, Munno Para and Hallett Cove. You might not be surprised, Mr President, to realise that they were in the marginal electorates of Hartley, Light and Bright at that particular time.

On the weekend, the Leader of the Government and the Premier made a joint announcement in relation to the police budget and indicated that new shopfront police stations would be established in the Hallett Cove, Campbelltown and Munno Para areas. My questions are:

1. Will the Leader of the Government now confirm that there had been no advice from the Police Commissioner prior to the election calling for the establishment of new shopfront police stations at Hallett Cove, Campbelltown and Munno Para?

2. Will the minister indicate whether, subsequent to the election and his becoming Minister for Police, he sought advice from the Police Commissioner in relation to police stations in those three locations and, if so, what advice did the

government eventually receive from the Police Commissioner on those issues?

3. Will the minister outline to the council the operational times envisaged by him as minister, or by the Police Commissioner, for these shopfront police stations—for example, are they to be 9 to 5 Monday to Friday shopfronts—and how many officers will be located in each of those shopfront police stations?

The Hon. P. HOLLOWAY (Minister for Police): I am pleased that the Leader of the Opposition recognises that this government will be honouring its election promises in relation to the police. Over the past few days, the Leader of the Opposition has been going around with the standard line from the opposition that the government will be breaking promises in the budget that will be introduced later this week. Well, this is one of the promises we will fulfil.

In relation to what was said before the election, as I was not the minister for police prior to the election, I am really not sure what discussions took place at that time, so I am not in a position to answer that question. However, this government went to the election with a promise and, as was announced last week, we will be honouring that promise. I have had discussions with the Commissioner in relation to—

The Hon. R.I. Lucas: You directed him.

The Hon. P. HOLLOWAY: I have not directed the Commissioner. The Leader of the Opposition should know what the Police Act provides in relation to directing the Commissioner. The government has made it clear that I have had discussions with the Police Commissioner in relation to this matter, and that policy will be fulfilled. The budget that comes out on Thursday will confirm the funding in relation to that.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The Leader of the Opposition is trying to put a dampener on what this government is doing to increase law and order in this state. Not only are we providing these three shopfronts but also we are going to increase the number of police in this state. Money will be provided in the budget to increase the number of police officers—

The Hon. R.I. Lucas: He never recommended it.

The Hon. P. HOLLOWAY: What is the Leader of the Opposition saying: that the Commissioner did not recommend that we increase the number of police? Well, I am not sure; perhaps he did not recommend that we increase the number of police officers. I do not know. However, what I do know is that we are going to do it. We are going to have three new shopfronts, and we are going to increase the number of police in this state. We are going to implement the policies that we put to the people at the last election.

The Hon. R.I. LUCAS: I have a supplementary question. Is the minister refusing to answer the question in relation to the operational hours for the three shopfronts?

The Hon. P. HOLLOWAY: Obviously there are some details to be determined in relation to the offices. The exact locations will have to be determined. We will have to find suitable premises, but my understanding is that the operation of these offices will be on the basis of those that are—

An honourable member interjecting:

The Hon. P. HOLLOWAY: We could go back and have a look at what happened in the past under the previous government, but what this government has done has been to put unprecedented resources into the police area. We had questions from the Leader of the Opposition earlier this year, just after the election, when he was suggesting that we would be cutting the police budget. As has already been foreshadowed, in relation to the budget this week, in fact, there will be a significant increase in the law and order area, which is consistent with the promises that this government made at the election.

CAULERPA TAXIFOLIA

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about weeds in our marine parks.

Leave granted.

The Hon. D.W. RIDGWAY: Over the past couple of weeks, but especially last week, I had the pleasure of attending a couple of meetings regarding public consultation on the proposed marine protected areas legislation. Interestingly, one person at a meeting stood up at one stage and suggested that the department needed a big enema. I suspect that Mr Foley will be giving the department an enema on Thursday. I was informed at one of the meetings that the weed caulerpa taxifolia has spread into Spencer Gulf. As a result of the dredging of Outer Harbor, this particular weed has been dumped with the spoil into Spencer Gulf. My questions to the minister are:

1. Will she confirm that this noxious weed, caulerpa taxifolia, has been spread to Spencer Gulf?

2. Will she also outline how the marine protected areas are likely to protect South Australia from infestations of this nature?

3. What is the proposed budget allocation for the staff of the 19 marine protected areas?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important question. Indeed, we have had a great deal of trouble containing the caulerpa taxifolia weed and its infestation into various areas. I do not have the details of those infestations in front of me today, but I am happy to provide those to the chamber. In relation to the budget, or staffing arrangements contained in the next budget for marine protected areas, we will have to wait until Thursday.

The Hon. D.W. RIDGWAY: I have a supplementary question. The minister said that they had been advised that the weed had spread into a number of other areas; are they areas other than West Lakes and the Port River?

The Hon. G.E. GAGO: As I said, I will need to get those details, and I will be happy to bring those to the—

The Hon. D.W. Ridgway: Is it only two areas, or is it three or four, or more?

The PRESIDENT: Order!

The Hon. G.E. GAGO: As I said, I do not have those details in front of me and I am more than happy to bring those details to the chamber.

MENTAL HEALTH

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —Minister for Mental Health and Substance Abuse a question about delays in mental health reform.

Leave granted.

The Hon. J.M.A. LENSINK: Questions have been asked previously in this chamber about the government's response to the report by Ian Bidmeade, which was originally presented to the government in April 2005. In the Mental Health Unit Newsletter of May 2006 it states that 'draft legislation will be prepared by the middle of this year for consultation'. Further, in relation to the referral of mental health to the Social Inclusion Board, the Social Inclusion Commissioner, Monsignor Cappo, has stated in radio interviews in the past that he would expect the review to be completed by the second half of this year—that is, October or November 2006. However, on ABC Radio this morning, the State President of the AMA, Dr Chris Cain, stated:

> . . . the Social Inclusion Board, I understand, is not going to hand down their recommendations until after this budget cycle and probably leading into the budget cycle for next year, which means there's going to be a delay of at least 12 months before any initiatives in funding are going to be announced.

My questions to the minister are:

1. Why has there been a delay in the government's response to the Bidmeade report?

2. Is it correct that the Social Inclusion Board's referral will be blown out by some six months?

3. When will we see the tabling of mental health legislation, or at least a draft for consultation?

The PRESIDENT: A number of opinions were contained in the explanation.

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her questions. Indeed, this government is making sure that we get things right, and that is why we are taking the time necessary to ensure that we have the very best legislation available to South Australians. As I have informed the chamber on a previous occasion, we do indeed intend to introduce new mental health legislation that will affirm the rights, dignities and civil liberties of mental health consumers and their carers. We intend to balance these rights with the community's legitimate expectation that they be protected from harm.

The proposed legislation will establish clear principles, enabling mental health consumers to receive appropriate services in various settings. It is worth while repeating that the reform arrangements for the transportation of mentally ill people involved in an incident or disturbance will also be covered by this proposed legislation. Police will still attend if protection is needed, but these proposed reforms will do much to free up valuable police resources.

What we are aiming for—and we are making sure that we take the time necessary to get it right—is a modern, innovative and ethical legislative framework for people affected by mental illness. We intend to change laws so that our specially trained mental health workers and psychiatrists will have the power to make community treatment orders, which may require a person to take prescribed medication or cooperate with visits from mental health workers. Currently, only the Guardianship Board can make such orders.

Since February, we have been working very hard. A working group, consisting of staff from the Department of Health and the Attorney-General's department, has been working through a number of recommendations contained in the Bidmeade report which will deal with these mental health and guardianship issues. I plan to release this very soon for community consultation. The new legislation will provide a legislative framework that will promote a more responsive and consumer-focused mental health system and will also contribute to improving Aboriginal wellbeing.

As I said, our intention is to ensure that we get this right. It is a complex series of issues, and we are making sure that we get the legislation right and that it ends up being the best legislation for South Australia. It is well under way, and a great deal of work by a range of extremely committed people has gone into its preparation. I hope that it will not be too much longer before we can release it. In relation to the Social Inclusion Board, Monsignor Cappo, who is the Commissioner for Social Inclusion, has extended the time frame for that report and has said that it will be due towards the end of this year.

Again, the transformation of our mental health system is a priority for this government. The consultation process has been extremely extensive. We are ensuring that we hear from all of the parties concerned, and that we get it right, so that it will be the best plan possible for mental health services in South Australia.

The Hon. J.M.A. LENSINK: I have a supplementary question arising from the minister's reference to the transportation of mental health clients. Is the minister aware that the Ambulance Service has been charging people who previously would not have been charged had they been transported by SAPOL officers?

The Hon. G.E. GAGO: I would need to obtain information about that, and I am happy to bring it back to the chamber.

MINERAL EXPLORATION

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the latest mineral exploration data from the Australian Bureau of Statistics.

Leave granted.

The Hon. R.P. WORTLEY: Last week the Australian Bureau of Statistics released its June quarter data on the amount of mineral exploration being undertaken around Australia. Previous ABS figures have indicated that exploration in South Australia is at record levels. My question is: can the minister indicate whether that trend is continuing?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I can indicate that information to the honourable member, and I thank him for his question. Indeed, the latest figures from the Australian Bureau of Statistics in relation to mineral exploration are very good news indeed. The state's mineral and resources industry is an important focus of the South Australian Strategic Plan, which I am sure members on the government side would know, and I hope other members would know, and includes the ambitious target of $100 million worth of exploration in South Australia every year by the year 2007. According to the latest data from the ABS, we have not just achieved this target more than a year ahead of schedule but have exceeded the target by 46 per cent. Let me repeat that: the state's Strategic Plan of $100 million worth of exploration by the year 2007 has been exceeded by 46 per cent. This is a magnificent achievement.

South Australia is reaping the benefits of a number of years of investment in pre-competitive geoscientific data, starting with the South Australian Exploration Initiative and then the TEISA program, and culminating with the current PACE program. The Australian Bureau of Statistics figures indicate that $56.5 million was spent on exploration in South Australia during the June quarter, which represents a 29 per cent increase on the previous quarter and a massive 181 per

cent increase on the corresponding quarter last year. Of that $56.5 million more than $11 million was invested in the search for new mineral deposits, while more than $45 million was spent on the expansion and development of South Australia's growing list of known mineral deposits, including Olympic Dam and Prominent Hill. Copper and uranium were the main commodities targeted by explorers.

So, based on these figures, mineral exploration expenditure in South Australia for the 2005-06 financial year was $146.5 million, smashing the $100 million Strategic Plan target. That is an incredible 119 per cent increase on the 2004-05 financial year and more than four times the $32.6 million recorded for the full 2001-02 financial year when the Liberal Party was last in government in this state.

The news from the latest ABS data just keeps getting better. The figures show our exploration expenditure growth was stronger than for any other Australian state during the June quarter. Indeed, South Australia's share of national exploration expenditure has skyrocketed to 11.8 per cent, up from 6.5 per cent recorded the previous financial year. We remain third behind the mining giants of Western Australia and Queensland in terms of national share. However, the latest data shows we are gaining significant ground on Queensland.

The Australian Bureau of Statistics June quarter figures speak for themselves. The efforts of the Rann government to promote South Australia's mineral potential has been a resounding success. Confidence in South Australia's mineral sector has never been higher, and there are clear signs that the exploration boom is now translating into a mining boom which will have major benefits for all South Australians. In recent weeks four key mining projects have been given the go-ahead, including Oxiana's $775 million Prominent Hill copper and gold mine and Terramin Australia's $63 million zinc, lead and silver mine near Strathalbyn. Such projects mean jobs for South Australians—hundreds, in the case of the Prominent Hill project—and royalties flowing into the state's economy, which can in future years help pay for vital services such as health, schools and police.

Along with BHP Billiton at Olympic Dam and Oxiana at Prominent Hill, a number of companies are making significant investments into the growing search for mineral resources throughout the state. They include Teck Cominco, which is drilling for gold and copper in the Carrapateena region near Lake Torrens; Iluka Resources, which is building on its four heavy mineral sands discoveries in the Eucla Basin; Havilah Resources, which is looking for copper and gold in the Curnamona Province west of Broken Hill; Goldstream Mining, which is seeking to develop more iron ore resources in the Gawler Craton; Perilya, which is searching for zinc in the Flinders Ranges; and Uranium Exploration Australia, which is searching for uranium in the Gawler Craton.

Nickel, iron ore, gold and diamonds are also the focus of exploration in South Australia. As of last week, 170 licensees held 614 mineral exploration licences covering 325 000 square kilometres or about one-third of the state. Along with the ABS data, this exploration indicator is also significantly higher than for the same period last year, and the number of licences is at a record level. Mineral exploration in South Australia is experiencing an unprecedented boom. The challenge now is to keep this exploration expenditure at these levels during the years ahead to make sure the flow of mineral discoveries continues and to ensure that the record-breaking levels of mineral exploration translate into a mining boom.

The Hon. T.J. STEPHENS: I have a supplementary question. The minister is referring to the Strategic Plan. Will the minister inform the council whether there is any possibility in this government's term that we will get exports back to where they were under the previous Liberal administration? Is there any chance?

The Hon. P. HOLLOWAY: The question has little to do with mining exploration, but we know that in 2001, the last year of the previous Liberal government, we had record wheat production in this state. We had some of the most ideal growing conditions recorded in this state. Sadly, at this time we have just had the driest winter ever recorded in South Australia's history, and that will inevitably have an impact on the rural prospects for this state. In fact, when I was flying across the country several days ago I could not help being struck by some of the worst conditions I had ever seen in New South Wales and Victoria, where they have had the worst drought on record.

I noticed that a statement was made earlier today by my colleague the Minister for Agriculture, Food and Fisheries. That will inevitably have an impact on that important sector of this state's economy. It also indicates why this state needs to diversify its economy, and that has all taken place under this government. In spite of the massive restructuring that is going on, we have been able to record the lowest levels of unemployment ever recorded in this state's history.

The Hon. T.J. STEPHENS: As a supplementary question: did the minister admit that there is no prospect that we will go back to the prosperity we had under the former Liberal government with regard to exports?

The Hon. P. HOLLOWAY: I said that we are facing incredibly bleak conditions in the rural economy, which is a significant part of our exports, and that drought will have a big impact on our exports in the next year. As for the other industries, the important thing is that the mineral boom that is taking place will provide export growth in the future. Obviously, it will take some years for this to come into effect, but this massive increase in exploration we have had will lead to the development of mines, and that in turn will increase the level of exports. We have already reached the stage where mining exports from this state exceed wine exports.

The good news that I gave earlier in relation to the ABS and mineral exploration data will in future translate into a big increase in exports for this state. This government has set these targets, and it is setting out to achieve them. What we are gaining now with mineral exploration will be the means by which we will achieve a number of other targets into the future, including the contribution to exports.

The Hon. D.G.E. HOOD: As a supplementary question, will the minister indicate to what extent the increase in mineral prices is responsible for exceeding the Strategic Plan targets as opposed to the increase in actual quantities exported?

The Hon. P. HOLLOWAY: In relation to mineral exploration, very little, because the price of minerals really has nothing to do with the cost of exploration—$146 million is being invested into exploration. If one was looking at the output—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —of the industry one should look at what has occurred in Western Australia where there have been massive increases in commodity prices. Western Australia's royalties increased from $1.4 billion to $1.8 billion, or something of that order—a massive increase in royalties simply because the price of minerals has gone up. Now, we do not yet have that advantage in this state. As a result of the action taken by this government, future governments will get the benefit. We are doing the hard work now in the early years which will bear fruit years down the track.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, I have answered it. I said that it has very little to do with it because the price of minerals—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —has little to do with the level of exploration, and the proof of that—

Members interjecting:

The Hon. P. HOLLOWAY: Isn't it incredible that when we have a bit of good news these people opposite long for the past which they created as a Liberal Party—a time of gross inactivity and lost opportunities in this state. To prove the point I made, I will repeat that we had 6.5 per cent of this country's mineral exploration. It is now nearly double to 11.8 per cent. If price alone were due to it our position would have stayed relative to other states. The fact that we have doubled our share of national exploration expenditure shows that the policies developed in this state have contributed to the result and not the rise in mineral prices. If it were just mineral prices, exploration would be up but our relative position with other states would not have changed.

Members interjecting:

The PRESIDENT: Order! I think that some members must have been vaccinated with gramophone needles on the weekend because there are a lot of interjections.

CENTRAL VIOLENCE INTERVENTION PROGRAM

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question about the central violence intervention program.

Leave granted.

The Hon. A.L. EVANS: The central violence intervention program, operated through the Adelaide Magistrates Court, is an inter-agency initiative aimed at reducing domestic violence. It is a collaborative venture involving a number of private organisations and state government departments. The Magistrates Court's web site states:

> The safety of women and children is paramount at all times—

and that—

> men who abuse are responsible and will be held fully accountable for their actions.

The web site further states:

> The women's worker attending the court. . . and provides support and information to women making applications for domestic violence restraining orders.

Recently, I was approached by a number of men who have been victims of abusive relationships. They expressed concern over the language used in the Magistrates Court's web site, which assumes that only women are subject to domestic violence and require assistance offered by the programs it promotes. My questions are:

1. Will the minister advise the council whether the central violence intervention program offers its services to abused men despite what the Magistrates Court's web site states; and, if not, what assistance does the state government provide for these men?

2. Will the minister ensure that the language used in the Magistrates Court's web site is amended to reflect accurately the realities of domestic violence in the community?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question in relation to the Central Violence Intervention Program. I will refer his questions to the Minister for Families and Communities in another place and bring back a response.

MARINE PARKS

The Hon. CAROLINE SCHAEFER: Will the Minister for Environment and Conservation confirm that the boundaries for the state's proposed 19 marine parks will not be confirmed until after the legislation is passed, and will this therefore give stakeholders no real idea of how they will be affected by those boundaries?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her important question in relation to the 19 marine parks to which this government is committed—a very important commitment indeed and something the previous Liberal government was unable to deliver or do anything towards whatsoever. This government will follow through on what it is committed to. It is a very complex set of initiatives to deliver. There are a wide range of different interests involved, and this government has gone a long way towards ensuring that extensive consultation has occurred and will continue to occur. The legislation before us—the proposed bill that is out for consultation—is overarching and deals with the principles of the marine protected areas. The next step will be to implement the boundaries to those marine parks, and those boundaries will be based on the best science available to ensure that the marine parks contain a representative sample of our marine areas and address the wide ranging interests of the community.

The boundaries will be based on sound scientific evidence. After that, the issues around the zoning for those marine parks and the process for consultation and discussion in relation to the specific zoning for the 18 zones (Encounter Marine Park, conducted as a pilot, has been completed) will be considered. That is the area where stakeholders are possibly the most anxious and are very keen to ensure that the various interests are well and truly considered within those parks. We have the interests of the aquaculture and commercial fishers, recreational fishers and conservationists, as well as biodiversity principles, to uphold. The zoning will range across a multi-purpose use, and we will ensure that all stakeholders and those with a vested interest are fully involved throughout that process.

The Hon. CAROLINE SCHAEFER: By way of supplementary question, will the minister further confirm that the process therefore will be: legislation first, boundaries drawn up and then a commitment to zoning? Is the minister asking stakeholders and us as legislators to sign a blank cheque?

The Hon. G.E. GAGO: The opposition did very little in relation to producing environmental and conservation outcomes in relation to marine parks. It did very little at all. It can be seen that this government has given a solid commitment to produce these 19 parks by 2010, and we will deliver that. We have undergone the most extensive consultation process imaginable. We are making sure that, at every step of the way, we involve the community with all of its vastly—often competing—different interests. We have successfully conducted a pilot at the Encounter Marine Park. We have been able to demonstrate to the community that it can be done, that these interests can be balanced, and that we can still uphold our principles of conservation and biodiversity whilst still balancing other recreational and commercial interests.

We have shown that it can be done and we have shown our commitment to extensive consultation. It is not a blank cheque; that is such an outrageous comment. However, it is typical of an opposition that clearly wants to obstruct this government every step of the way. We are finally delivering on this very important commitment, and we will deliver after extensive consultation. We will make sure we get this right. We will make sure that the different interests are considered extensively, and I do not know why the opposition is not applauding us for getting on with doing this job and doing it really well.

The Hon. D.W. RIDGWAY: I have a supplementary question. Will existing aquatic reserves such as the Aldinga Aquatic Reserve be in a marine protected area?

The Hon. G.E. GAGO: I do not have the answer to that question here. I will bring back a response to the chamber.

HAZARDOUS MATERIAL

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the identification of hazardous material by emergency services.

Leave granted.

The Hon. B.V. FINNIGAN: There have been a number of instances this year when delays have been experienced while suspected hazardous materials are identified. What is being done to reduce these delays and inconvenience to the public?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his very important question. Of course, while I appreciate—

The Hon. R.I. Lucas: It was one of his better ones.

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: I am pleased that the Leader of the Opposition agrees that we have good questions on this side of the council. I am very pleased that he agrees with that.

The PRESIDENT: The Hon. Mr Lucas is out of order by agreeing.

The Hon. CARMEL ZOLLO: While I appreciate that there have been instances where the public has been delayed or inconvenienced while suspect substances are identified, the overriding consideration will always be the safety of the public and our emergency service workers. Until very recently, the South Australian Metropolitan Fire Service (MFS) had limited capability to identify unknown liquids or solids—including powders such as those previously found in the new airport terminal building and even here in Parliament House—when responding to hazardous materials, toxic industrial chemicals or chemical, biological and radiological (CBR) incidents.

The MFS is the lead agency for CBR response and coordinates the storage and deployment of CBR resources. In particular, the MFS, as lead agency, was concerned about:

- the delay in identifying liquids and solids;
- anxiety to emergency response personnel and the public who considered they may have been exposed to a potentially dangerous material;
- public delays and inconvenience; and
- public confidence about the identification of potentially hazardous materials.

Responses to these types of incidents are extremely resource intensive and involve multi-agency response, support and cooperation from police, fire, ambulance and health workers.

Sometimes incidents are a hoax or a benign material is identified. The MFS has recently purchased a SensIR HAZMAT identification kit from Australasian Analytical Systems. This identification equipment will complement the existing gas detection capability of the MFS. The kit is fully transportable and can be used on-site to provide information which is crucial to responding agencies. Within three to four minutes the substance can be identified as hazardous, not hazardous or containing biological elements. Should biological elements be present, further testing in a full lab-type environment will still need to occur.

The purchase of this kit provides some certainty for emergency service workers, reduces the inconvenience to members of the public and will result in considerable savings, particularly in relation to clean-up and decontamination processes. The kit is now fully operational and is already in use, improving the ability of emergency services to respond to HAZMAT/CBR incidents.

CAULERPA TAXIFOLIA

The Hon. G.E. GAGO (Minister for Environment and Conservation): I seek leave to make a ministerial statement regarding caulerpa taxifolia.

Leave granted.

The Hon. G.E. GAGO: Earlier today, I was asked about caulerpa taxifolia by the Hon. Mr Ridgway. The Minister for Agriculture, Food and Fisheries has the responsibility for the caulerpa taxifolia containment programs. I am advised that caulerpa taxifolia is still primarily found in the Port River. It has also been found in the Barker Inlet, where a control program is currently in operation. I understand that monitoring surveys of the range of caulerpa taxifolia are undertaken by Primary Industries and Resources South Australia (PIRSA), and I am advised that there is no scientific evidence that the weed is established in the Gulf of St Vincent. Every so often, recreational divers find plants they believe to be caulerpa, and this is investigated. So far, none of these plants has proved to be caulerpa.

CHLAMYDIA

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Environment and Conservation, representing the Minister for Health, a question about funding for chlamydia detection and prevention programs.

Leave granted.

The Hon. SANDRA KANCK: From the Annual Epidemiologic Report of Clinic 275 we see that the rates of chlamydia reported in South Australia have escalated from 769 in 1995 to 1 992 in 2003, 2 425 in 2004, and 2 701 in 2005. The majority of these infections occurred in young people between the ages of 12 and 29. The federal government has recently announced $3.2 million funding under the National Chlamydia Pilot Testing Program. This is part of a $12.5 million program announced last year to increase awareness of chlamydia, to improve surveillance, and to develop a pilot-testing program as part of the National Sexually Transmissible Infections Strategy.

The only South Australian-based project to receive funding is Riverland Regional Health Services Inc., which will receive $258 416 for its project for 'development and implementation of a mobile clinic model for chlamydia testing in the Riverland region.' There is evidence suggesting that it is young men who are least likely to present for screening, yet they are known to have multiple partners, to not use condoms, and to spread chlamydia to their sex partners. From the projects that have been announced Australia wide, there is no funded proposal here in South Australia that specifically looks at this issue. My questions are:

1. Does the Riverland funding represent the total commonwealth funding for chlamydia screening in South Australia?

2. What funding submissions were put to the commonwealth by the South Australian government that specifically target men, and, in the absence of commonwealth-funded programs, how is chlamydia in young men to be addressed in this state?

3. What steps will the minister take to ensure that South Australians are not disadvantaged by the chlamydia-targeted grants program?

4. Does the minister acknowledge that the need for testing is increasing and ongoing due to the nature of re-infection, and will he advise whether state funding will now reflect this ongoing need?

5. Will the minister ensure that funding for chlamydia is discussed at the next health ministers meeting, with a view to coordinating best practice, with most effective models to be funded by the commonwealth in the future?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his very important questions and will refer them to the Minister for Health in another place and bring back a response.

PROFESSIONAL STANDARDS BILL

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about the Professional Standards Bill.

Leave granted.

The Hon. R.D. LAWSON: In November 2003 the Treasurer, the Hon. Kevin Foley, introduced the Professional Standards Bill in parliament. That bill was finally passed through this place in July 2004. At that time the government said this chamber was dragging its feet and the legislation should be enacted promptly. The Professional Standards Bill was described by the government as the third stage of its legislative response to the insurance crisis.

The bill (based on New South Wales legislation which has been in operation there for some time) will enable a profession or an occupation or a trade group to register a professional standards scheme. That scheme would enable appropriate forms of risk management and also, if those steps were adopted, a minimum cap of $500 000 was imposed. The act was duly assented to in November 2004. It is act No. 45 of 2004. It is not yet in operation, despite the government claiming it was an important measure. The only action that has been taken, I note, is that in August of this year its administration was changed from the Treasurer to the Attorney-General. My questions to the minister are:

1. When will this act commence operation?

2. Is it the case that professional standard schemes which may be sanctioned under this legislation cannot even be developed until the act comes into operation and that there will be some delay in their implementation following its introduction?

3. What is the reason for this inordinate delay?

The Hon. P. HOLLOWAY (Minister for Police): I will seek that information from the Attorney-General and bring back a reply for the honourable member.

PUBLIC SECTOR EMPLOYMENT

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to public sector number cap made today by the Treasurer.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LANDS SUBSTANCE MISUSE FACILITY

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question.

Leave granted.

The Hon. I.K. HUNTER: Substance abuse, in all its forms, is an extremely troubling issue. The abuse of drugs, both illegal and licit, divide families and ruin lives. Sadly, for many indigenous people, particularly those living in remote communities, substance abuse is all too prevalent. It literally consumes entire communities spanning across generations whilst simultaneously contributing to a terrible cycle of health issues, criminal behaviour and, tragically, premature death. Can the minister provide information about progress in setting up an alcohol and drug treatment facility in the APY lands?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his question and his ongoing interest in these important matters. I am happy to report that work on a planned eight-bed residential substance misuse facility on the APY lands is continuing and a mobile outreach service has commenced in line with this government's commitment on tackling substance abuse issues across the state.

This is a joint project. The commonwealth government has provided $2.2 million to build the facility and the South Australian government will fund the recurrent costs of running the facility, which is estimated at $1 million per annum. This facility will complement existing state and federal government funded programs to help combat petrol sniffing and suchlike.

While work on planning and building the facility continues, DASSA already has a mobile outreach service on the ground and an office in Pukatja. This service, which commenced in the past few weeks, will work in conjunction with

the commonwealth funded police drug diversion initiative which is now in operation on the lands.

The substance misuse facility in Amata will provide a range of treatment and rehabilitation services for people on the APY lands who are experiencing problems caused by substance misuse, including combating dependence and assisting people to reintegrate into their communities. The residential facility and outreach service will complement existing state-funded community petrol sniffing programs and youth programs that provide healthy activities for young Anangu to help prevent petrol sniffing.

Consultation with traditional owners, community and Anangu organisations on the service model for the rehabilitation facility and the location took place between May and July 2006. The APY executive board has agreed to the facility being established in Amata. DASSA has appointed two experienced nurses and a malpa (a cultural consultant) to operate a mobile outreach service. Expressions of interest are being sought for two Anangu substance misuse workers to work with the nurses in providing outreach services.

The Hon. R.D. LAWSON: I have a supplementary question. The minister referred to the fact that this service is to be established at Pukatja, and has been established at Pukatja. Given that the health service building there was burnt to the ground last week, can the minister indicate whether this event will affect the introduction of the service?

The Hon. G.E. GAGO: It has not been brought to my attention that it will have any effect on these outreach services. However, if I receive information to the contrary, I am happy to bring it back to the chamber.

LAW AND ORDER

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Police a question about law and order.

Leave granted.

The Hon. A.M. BRESSINGTON: One week ago, I was approached by a member of the community, a parent, concerned about the existence in the northern suburbs of a gang called RTS. On the previous Saturday night, this woman's 15-year-old daughter was gang raped by three members of RTS and told that, if she went to the police or made any form of complaint, her two younger brothers would be killed as a result of her reporting this crime. Following the complaint, my office contacted the local police, and they confirmed that they had knowledge of this group and that it was under surveillance. They were also aware of its strong ties with the Hell's Angels bikie gang. Further, they were aware that this group was recruiting nine-year-old children to drop off drugs to local high schools in the area. Before asking my questions, I point out that the minister has been very helpful and of assistance in other matters I have brought to this place. My questions are:

1. Will the minister provide details of the nature of the alleged 15 arrests of members of this gang?

2. What is the nature of those arrests, and what charges have been laid?

3. What is the responsibility of the police to intervene, knowing that nine-year-old children are being recruited to deal drugs to local high schools in the area?

The Hon. P. HOLLOWAY (Minister for Police): In relation to the latter question, I am sure that the police will do everything they can to try to prevent that situation. I am pleased to hear from the honourable member that the gang is under surveillance by the police, because it is appropriate that it would be. In relation to the details of the 15 arrests, I will obtain the information, if it is available, and provide a response to the honourable member in writing.

The Hon. NICK XENOPHON: I have a supplementary question. Does the government consider that the penalties for adults who use children for criminal activities are adequate, and should they be reviewed?

The Hon. P. HOLLOWAY: That is really more a matter for the Attorney-General. However, I believe that there are very severe penalties that apply in such cases. Whether the courts would apply them, I suppose, is another matter, but I will refer the question to the Attorney and see whether, in his view, the categorisation of offences and penalties is appropriate for such behaviour.

SOUTHERN SUBURBS, EMERGENCY SERVICES

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question.

Leave granted.

The Hon. S.G. WADE: The *Southern Times Messenger* of 6 September 2006 reports that one in three homes in the southern suburbs cannot be reached by firefighters within acceptable response times. The paper reported that the South Australian Fire and Emergency Commission is undertaking a review of the need for fire and emergency services in the south. SAFECOM is reported to be looking at three possible options—

1. increasing resources to the CFS,
2. establishing another 24-hour MFS station in the south, or
3. no action if investigations find that 'things were running smoothly'.

I understand that the minister is a member of the SAFECOM board. The President of the United Firefighters Union of South Australia describes the two-in-three fire coverage as 'fairly appalling'. I ask the following questions:

1. Does the minister consider that the two-in-three fire coverage is acceptable?

2. If not, will the minister rule out the third option of the review, that is, to take no action?

3. Can the minister advise the council of the location of the new MFS option being investigated in terms of the second option?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. I place on record that I am not a member of the SAFECOM board—I never have been and never will be, because the minister does not sit on that board. There were a number of inaccuracies in that reporting. I have to say that, for the first time, this administration is actually tackling the issue of risk management in our peri-urban areas and, essentially, the SAFECOM board has instituted the SAFERS project, which stands for the South Australian Fire and Emergency Services Resource Standards project, which is looking at the issue of fire coverage in the southern suburbs.

As I said, this is the first time that a state government has recognised that, as the south expands, we need to look at the future emergency services needs in that area, and we are doing that. Again, it is a risk-based strategic framework for planning, managing and evaluating emergency services

resource investment, allocation and service delivery right across the three emergency services organisations. That is why it is handled at the board level—because all the chiefs sit on that board. When the emergency services resourcing needs have been identified through the SAFERS project, the SAFECOM board—not me, but obviously it advises me—will decide on the appropriate allocation of resources following extensive consultation with the local community, volunteers and other interested parties.

I understand also that the reporting in the Messenger Press indicated that there was not sufficient coverage. I am certainly assured that the coverage our emergency services provide to that area is within the approved times. Also, of course, we need to place on record that fire risk coverage, at some level in terms of our homes and properties, is very much the responsibility of the owners as well, and it is not just about our expecting to see, I guess, a fire station on every corner but also about managing our own properties in terms of ensuring that the vegetation around homes is removed and that we have smoke alarms in our homes as well. I think we need to stress very much to everyone that we all need to take some responsibility.

Of course, the other thing that is very important to say is that the MFS and the CFS have mutual response and emergency incidents agreements currently in all our peri-urban areas, including the southern suburbs. In terms of boundaries, of course, they are purely administrative. When an emergency occurs, it does not matter whether it is a CFS or MFS truck because the resources will be there, and of course that is what people would demand. As I said to the honourable member, for the first time the SAFECOM board, under this administration, is carrying out a risk assessment for the southern suburbs and is working to cover all identified future needs of the southern suburbs.

POLICE DRUG DETECTION DOGS

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Police a question about new SAPOL drug detection dogs.

Leave granted.

The Hon. J. GAZZOLA: Recently a wonderful photograph appeared in the press featuring SAPOL's three new passive alert detection drug dogs, Molly, Hooch and Jay. Will the minister provide information about the important role these dogs play in the fight against illegal drugs?

The Hon. P. HOLLOWAY (Minister for Police): I can inform the council that three members of the SAPOL Dog Operations Unit attended a graduation parade recently to graduate three new passive alert detection (PAD) drug dogs. Molly, Hooch and Jay are the first dogs to be trained by SAPOL for passive drug detection duties. Our police already have dogs performing similar duties in relation to locating explosives and firearms. The dogs will be used to detect drugs on people and in buildings, luggage and vehicles. When they detect a drug scent they sit next to the source of that scent.

I am advised by SAPOL that they intend using the dogs in specific operations as well as in public places such as major transport hubs. Consequently they should prove to be a very valuable asset in SAPOL's effort to tackle drugs in our community. The initial training of the dogs was conducted by a New South Wales Police Dog Squad training officer, as the New South Wales Police have had passive alert detection drug dogs in operation for some time. A SAPOL Dog Operations Unit officer now has the expertise to train future dogs.

I understand that, since they completed their training, the three dogs have already proven their worth in a number of operations, including luggage screening at Roxby Downs airport and several house searches where amphetamines, heroin and cocaine were located. The addition of these new dogs is a further boost for police resources in this state and, of course, they come on top of the Rann government's intention to increase police numbers by 100 a year for the next four years. I think the Hon. Ms Bressington asked a question earlier about young people being supplied with drugs in schools and so on. Obviously, these dogs will be an important addition to the armoury of police in detecting drugs and being involved in operations to prevent that sort of behaviour occurring. So, these dogs are a welcome addition to the armoury of SA Police in relation to dealing with this curse of drugs within our community.

REPLIES TO QUESTIONS

CHLAMYDIA

In reply to **Hon. A.L. EVANS** (27 April).

The Hon. G.E. GAGO: The Minister for Health has been advised:

There are a variety of initiatives in place to raise awareness of sexually transmitted infections including Chlamydia. These include screening and information provided to women in a variety of settings including:

- Migrant Health Centre;
- Second Story Youth Health Service;
- Dale Street Women's Health Centre;
- Northern Women's Health Centre and SHineSA
- Clinic 275

Women in rural and remote areas can receive advice and screening from their General Practitioner, Nurse Practitioner or Royal Flying Doctor Service clinician. Nganampa Health conducts regular annual sexual health screening, including screening for Chlamydia on the APY lands.

General Practitioners and community health services provide information about Chlamydia to women and men who access their services.

The Sexual Health and Relationships Education curriculum covers sexually transmitted infections, including Chlamydia. Secondary Schools in the metropolitan area are also offered education sessions by a nurse or nurses from the Second Story Youth Health Service. The session includes information about sexually transmitted infections, with emphasis on Chlamydia and how it is contracted and possible consequences. These discussions cover responsible sexual behaviour including abstinence and safer sex practices.

JUVENILE OFFENDER

In reply to **Hon. T.J. STEPHENS** (30 May).

The Hon P. HOLLOWAY: The Minister for Families and Communities has provided the following information:

The youth in question was released from the Cavan Secure Care Centre by the Training Centre Review Board on a Conditional Release Order. When this youth became eligible for Conditional Release, he had served four months of a six month detention order. Upon his application to the Board for release, the Board considered his behaviour in the centre, his attendance at educational programs whilst in custody and his general prospects for rehabilitation. Conditional release is viewed as a useful way to assist young offenders back into the community whilst still being supervised.

The Board considered that this youth satisfied the requirements for Conditional Release and he was released under a number of strict conditions. I am informed that these conditions include being under the supervision of an officer of the Department for Families and Communities, to be of good behaviour and to reside with his family. Any breach of these conditions will result in the youth being returned to custody.

The youth in question was not released to attend an 18th birthday party. The youth was released as part of a planned Conditional Release Order by the Training Centre Review Board.

I am further informed that the Review Board is an independent statutory authority, chaired by a Youth Court Judge and with membership that includes representatives from government agencies, including the South Australia Police (SAPOL).

In regards to this particular case, I understand that there were no conditions set by the Board for the monitoring of this youth by SAPOL. Any decisions by SAPOL to monitor this youth in the community were independent decisions.

PUBLIC SECTOR, TARGETED SEPARATION PACKAGES

In reply to **Hon. R.I. LUCAS** (7 June).

The Hon P. HOLLOWAY: South Australia Police has offered 28 targeted voluntary separation packages to redeployees within the agency. Redeployees are those persons who had been affected through organisational restructures and who were identified as excess to requirements.

None of the 28 targeted voluntary separation packages involved sworn police officers.

DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 June. Page 452.)

The Hon. D.W. RIDGWAY: I rise on behalf of the Liberal opposition to indicate that the opposition supports the broad thrust of what the government proposes by this amendment bill. It is arguably the most important of two such bills. It is the second in what we understand to be a suite of bills that the government intends to introduce to amend the Development Act, and this one is arguably the most important. We heard during the public consultation and debate on the Development (Panels) Amendment Bill that it was not necessarily the make-up of the panels that was important but that, if you like, they were the judges and that we needed to get the set of rules right by which they were to judge development applications. So, this planning process bill is arguably the most important of the two bills we have considered so far.

A number of the stakeholders who spoke to me said that, if we get the plans and policies right, it makes the panels' job much easier. It is interesting to look at development in this state. It intrigued me that early in August Planning SA released its metropolitan planning strategy and that it has just released its metropolitan industrial land planning strategy.

It is interesting that it was released early in August, bearing in mind that on 25 August we saw the Premier responding to some pressure from, I think, the Prime Minister and the Leader of the Opposition (Hon. Iain Evans) in an article written by Greg Kelton under the headline 'Land supply review vital, claims Rann'. I find it intriguing that the leading agency in the state, Planning SA, released its planning strategy early in August. In fact, it appeared on its web site on 11 August. Planning SA releases that and then, less than a fortnight later, the Premier is calling for a review of land supply.

I am not sure whether the Premier is not interested in the work of Planning SA (and I know that people within Planning SA are working particularly hard) or whether the Premier, through his minister, has not articulated what he wants Planning SA to achieve as a result of its metropolitan planning strategy. It seems bizarre that we have a department releasing this rather large and comprehensive document and, within less than a couple of weeks, the Premier calls for a review of land supply in relation to housing affordability.

It is interesting to note that that is probably one of the single most important factors and reasons why South Australia is a competitive state, and it is one of the things that we can offer to young people and young families wanting to establish themselves and to buy their first home. It is quite frightening. I have three children—

Members interjecting:

The Hon. D.W. RIDGWAY: That is frightening in itself sometimes, although most of the time they are not frightening. However, I think about where they will live and how they will buy their first home. The eldest child is just 16, so I expect it to be many years before they are in a position to want a house, but I do not know how they will afford it. That is a concern which we all share and about which we should all be doing something. I was a little surprised that Planning SA was not in touch with that or that the Premier was not in touch with Planning SA. In typical fashion, the Premier referred to the Prime Minister, and the report states:

> Mr Howard repeated his claims in his speech to the South Australian Liberal Party's annual conference at the weekend. Mr Rann said, 'Bashing the states for supposedly not releasing enough land will not hide the fact that the commonwealth's lax fiscal policy has elicited its usual monetary response—four consecutive interest rate rises.'

It is interesting that the Premier starts attacking the federal government for its particular tax and fiscal policies. I draw the attention of the council to an article which appeared in a magazine called *The Developer* and which states:

> The ACT's newest Legislative Assembly member, Andrew Barr (Labor), has used his maiden speech to call for relief for first-home buyers by abolishing capital gains tax and land tax exemption on the family home.

That is just bizarre that a member of your party, Mr Acting President (albeit in another state), believes that this is a way to improve housing affordability in Australia, especially for younger Australians. I find that extremely hard to believe. One of our greatest challenges not only will be to make housing more affordable but also we must look at some of the issues with respect to urban designs, and particularly children and obesity. We have somewhat of a conundrum, because the further you sprawl your suburbs the more you end up with people having to hop in a car to drive rather walking to the shop or to the school, and we find now that children are becoming more obese. We have a real difficulty.

They are some of the things to which Planning SA needs to pay a little more attention in delivering some sort of vision for the state. It is all very well for the Premier to talk about the State Strategic Plan and the number of honourable targets in that Strategic Plan, but that plan is a little like a list of holiday destinations, which are lovely destinations but we do not have any plan as to how to get to the airport or to the train station to travel there. We have these warm and fuzzy destinations without any plan to enable us to arrive there.

I think that is something sadly lacking with this government. Recently we saw that infrastructure is an extremely important and costly part of any new housing development.

We have seen the likelihood of the Mount Barker, Gawler and Onkaparinga councils charging development levies. That will be an ongoing source of debate for all of us. It is certainly a problem and I am intrigued as to why state governments, this one in particular, are not providing a broader community infrastructure, when we see evidence that we have some 5 000 to 6 000 more public servants employed today than has been budgeted for, at an estimated cost of some $400 million to $450 million per annum. Over the past four years that is $1.8 billion that this government has squandered. Surely that would go a long way towards providing some of the very important infrastructure that local communities need to grow their communities in terms of developments.

It is interesting to look at urban design, particularly from the point of view of obesity. Recently, when attending an environment and public works conference, I picked up a copy of a report, entitled Sustainable Cities, of the House of Representatives Standing Committee on the Environment and Heritage. This government, the Premier in particular, has a fetish for light rail and trams. It is interesting that this report talks about more urban rail as an alternative to roads. In some of its recommendations and points it states:

> The committee notes that one of the most important aspects of . . . any rail transport is security. There is little benefit in having on time, efficient and cost effective rail transport if people are unwilling to use it because of perceived or real security risks.

It then goes on to state:

> The committee was informed that if one car is saved within a family, the family will save some $750 000 in superannuation equivalent—

that is over our working lifetime—

> and that strong rail cities are some 45 per cent wealthier than weak rail cities. Strong rail cities spend less on road transport and are more cost effective in their transit operations. Public transport in those cities is faster than vehicle traffic, which is an encouragement for the public to use the transport system. Proper use of rail saves money and time.

It also went on to say that there were some positive health impacts, even though, as somebody pointed out to me recently, you can still get fat sitting on a train. If you walk to and from the train each day there is a fair chance you will have an improved quality of life.

I will turn my attention more specifically back to this bill before us. The opposition broadly supports it. We are aware of a number of relatively small issues raised by a number of stakeholders, including the Local Government Association. I know it has approached the minister and his advisers and I am sure the minister will address some of their concerns, although maybe not in a positive way, when he sums up the debate in a couple of days.

Some of the key and important elements of the bill are the strategic planning provisions. The bill requires the government to review the planning strategy for South Australia at least every five years. I have talked about land supply. It is interesting to note that in Victoria and New South Wales they have a 25 or 30-year land supply stock and it is a rolling 25 to 30-year plan. In respect of the South Australian metropolitan planning strategy, if one calculates how many blocks are being used up each year and how many are available inside the urban growth boundary, one finds that we have only about 14 years' supply of land left inside that boundary.

I and the opposition have real concerns in that we do not have a long-term vision for where people will live. The Premier and government members have spoken about their strategic planning resulting in 2 million people living in South Australia by 2050. We have no idea where they will live or work, or how they will get to and from work. More importantly—and very much to the fore at the moment—is the water supply situation. What will we do for water? We cannot simply rely on rainfall and backing it up from the River Murray. The Productivity Commission report released early in August shows that all inland rivers will be at risk of diminished flows due to climate change, agricultural practices, irrigation practices and reafforestation. A number of factors will impact on the flow of rivers.

While this government has returned—and it uses the word 'returned' which I think is a very poor choice of word; I would prefer to say 'reallocated'—water in the river to environmental flows, the evidence suggests that through climate change we will have reduced rainfall in the Murray-Darling catchment and, therefore, less water in the Murray. This government's policy of relying purely on our reservoirs and the River Murray to supplement our sources here, and the strategy of water restrictions, simply is not sustainable in the long term.

While this bill provides for a five-year review of planning strategy, I think it must be a much longer-term planning strategy and, certainly, Planning SA should be doing more about long-term land release and long-term planning in terms of future development in this state, not only for residential certainty but for business investment purposes as well. Obviously, that metropolitan land strategy that has just been released needed some very long-term projections of where industrial activities might be located in South Australia.

Another of the factors—and I think it will be picked up in a heritage component in relation to this bill—promotes the inclusion of 'desired character' in the development plans, which I think is very important. Some of the issues raised with the opposition have been from people concerned about inappropriate developments in suburbs, and the opposition has the view that 'desired character' is probably a better term. The minister and his department have advised us that a heritage component will be added to this bill, maybe before the end of the year or early in the new year. I am not sure of the actual timing.

One of the complaints that we have had in past years has been about delay. The processing of the plan amendment reports—which is their current term and which it is proposed in this bill will be called development plan amendments—has had its problems. The opposition supports the processes A, B and C which will constitute an agreement reached by the minister and the local council on each of their development plan amendments at that initial stage of the statement of intent. It is interesting that process C is the one that has created some concern with the Local Government Association and others, with the consultation process time frame being shortened to four weeks. The opposition will listen to people's arguments but, at this point, I suspect that we will be happy to support that component of the bill.

This bill mentions the timeliness of the whole development plan amendment, and it involves providing the Environment, Resources and Development Committee with information showing an agreed timetable for each development plan amendment process, as set out by the statement of intent, and the actual time taken. I suspect that this will enable the committee to monitor the process of development plan amendments. As a member of the Environment, Resources and Development Committee, I have concerns about the involvement of the committee (as have other committee

members) in the development process and the PAR (or the future DPA) process.

The opposition believes that the Environment, Resources and Development Committee probably should not get too involved in the process as far as the decision-making is concerned but, certainly, we will be monitoring the process to make sure that it is of a timely nature. Delays cost money. In the past 18 months, I have been to nearly all other states in the nation and, sadly, now, when you fly back to Adelaide, it just does not seem to be pumping and moving as well and as quickly as other capital cities. I know that a whole range of factors would be involved but developers, and even some real estate agents, have told me that it is hard work getting developments up in this state in order to build and grow this state. In the end, the people concerned just throw their hands up in the air and decide to go to another state where they believe that they can progress their developments and business opportunities in a much more timely fashion. The opposition will listen to other members' amendments, but I suspect the opposition is unlikely to support them.

This bill repeals the provision requiring the release of an issues paper for the preparation of guidelines in assessing declared major proposals. The three to six week consultation period is different from major types of assessment, which remains unchanged, and the opposition basically supports this component of the whole process.

The opposition is a little concerned that the minister has appointed specialist members to the DAC when the Development Assessment Commission is dealing with a major development. Recently, I noted an article by Rex Jory in *The Advertiser* that raised some concerns about the new appointments to the DAC, as follows:

> Radical overhaul of the membership of the powerful Development Assessment Commission has angered elements of South Australia's development industry.

In the article, Ms Kirsty Kelly, who is a member of the Planning Institute, is quoted as saying:

> . . . the make-up of the new DAC is a surprise to the Planning Institute, which is concerned about the continuity of decision making and unsure of whether the experience of the commission is appropriate.

The opposition has some concerns about the make-up of the Development Assessment Commission, and I am sure the minister will respond to that issue, with my having made that statement.

I want to formally thank the Hon. Mark Parnell for, about a week ago, providing the Liberal opposition with the Green's amendments for our consideration. I think that is a good process, because it enables us to consider those amendments in advance. I also thank the Conservation Council and a couple of other stakeholders, such as the Local Government Association, for providing us with their views and concerns. The Liberal Party's Portfolio Committee is still considering its position. We look forward to the committee stage of the bill. With those few words, I support the bill.

The Hon. D.G.E. HOOD: In principle, Family First supports the general thrust and direction of the bill put forward by the government. Indeed, the content of this bill previously formed part of the sustainable development bill introduced into the parliament in 2005. Family First supports the concept of the government's allowing parliament to consider more manageable parts of the sustainable development bill, as in this case.

I would also like to pick up on some of the comments made by the Hon. Mr Ridgway. I, too, have a great regard for South Australia and for development within our state. In my previous role, Mr Acting President, you may well be aware that for about six years I used to travel interstate every single week. I share your feeling, Mr Acting President, that, in general, the City of Adelaide does not appear to have the level of development as is the case with some of the others, although I am pleased to note that has been more positive in recent times. As a proud South Australian, I would certainly like to see as little as possible standing in the way of good development in South Australia, particularly within the city itself, and that is the attitude with which Family First approaches this bill.

To be more specific, the bill seeks to ensure that better strategic planning occurs between the state government and councils as regards development. As mentioned by the Hon. Mr Ridgway, new processes A, B and C are defined for the process of amending a development plan. Stricter time lines for development plan amendment are created to ensure that amendments do not drag on, which I know is certainly something which has been the subject of debate. Certainly there are some opposing opinions on that matter. However, Family First's view is that creates a positive situation overall, as it will, within reason, create a sense of urgency to move things along. Family First is also grateful to Mr George Vanco from the minister's office for his briefing on this bill. The subject matter is quite dry—

An honourable member interjecting:

The Hon. D.G.E. HOOD: He was very helpful. The subject matter is quite dry, but it deserves proper consideration due to the potential impact it could have on the state's future. One subject we discussed with Mr Vanco was the question of competition between councils which, regrettably, does seem to occur occasionally, and the desirability of the state government implementing a vision that overrides the parochial (if I can use that word) interests of neighbouring councils on the very rare occasions that may happen.

The government has some costly infrastructure projects under way, and Family First accepts that it is entitled to have the ultimate say in the growth of the state, regardless of council boundaries, to make the best use of that infrastructure and, most importantly, the best use of the vast amounts of taxpayers' dollars involved.

It is essential that we do not end up with white elephants that waste taxpayers' money. Therefore, I hope that this bill will see development occur in a more orderly and appropriate way and, as I say, a more timely way in our state. I believe it is important for the state government to have a greater say and give direction to local government on planning issues.

This state faces a crisis in population growth for a whole variety of reasons. Attracting industry and development to the state is one of the keys to population growth. The last thing that Family First would want to see is the opportunity for growth blocked due to the eccentricities of a particular council's development plan or world view. I am not particularly having a swipe at councils because I think, in the overwhelming majority of cases, they act in what they perceive to be the genuine best interests of the population they represent, but sometimes the greater interest is served by giving that control to the overriding body—in this case, the state government itself.

Our party stands for South Australian families, and their future depends on a growing state. To grow, the growth vision of South Australia must not be blocked by local

government. I do call upon the government to ensure that where the new processes impose an administrative burden on councils—and I have in mind some of the smaller, regional councils in particular—assistance is given in every way to ensure that those councils are not suffering because of extra administration imposed by the government.

In general, as I said, Family First supports the thrust of this bill. We think, to some extent, it is overdue. I raise the example of that hoary old chestnut (if I can use that term), the former Le Cornu site in North Adelaide. It is only one example, but I am sure there are many others that we could all point to as examples of opposition to development sometimes being unjustified. As a member of this parliament I am embarrassed by the fact that nothing has been able to be achieved on that site for many years.

The Hon. D.W. Ridgway interjecting:

The Hon. D.G.E. HOOD: I am pleased to hear that. The Hon. Mr Ridgway interjected that the opposition has offered its support to make it happen. Certainly Family First would offer its support in that regard as well, and I can say that categorically. Really, that site has almost become one of the most prominent examples of development being held up in this state. There is no good reason for such delay in some cases. In some cases there is, and no doubt we will hear from the Hon. Mark Parnell at some stage with an opposing argument to that. I look forward to hearing that. I think he has certainly made a worthwhile contribution in previous debates, and I am sure he will on this occasion as well. In general, Family First supports this bill and certainly supports its second reading.

The Hon. M. PARNELL: The Greens are also pleased to support the second reading of this bill which I do acknowledge is a dry matter for many people. But, like most of us here, we bring particular areas of expertise or interest. I have spent the past 10 years of my life working with this piece of legislation either as a—

The Hon. Carmel Zollo: It is not dry for you.

The Hon. M. PARNELL: It is not dry for me; it is terribly exciting. I am going to be as efficient as I can, but I have a lot of things to say because, having spent 10 years working on this legislation, I think it does need an overhaul. I think there are some really positive things that we can do as part of this bill and also as part of the further bills to come.

I do have a number of amendments. I gave the Hon. David Ridgway an advance copy. They have been changed slightly and other honourable members should have them, I think, by tomorrow, but their thrust has not changed and I look forward to speaking individually with members, if I can, about those amendments. There are probably 20 amendments in total, most of which are mine, but a small number have come from the Environment, Resources and Development Committee. That committee has asked me to put those amendments before the council.

As well as being a legal practitioner in the area of planning law, I have also taught the subject at all three South Australian universities. When I am asked to give the five-minute version of what town planning law or planning law is all about, I can summarise it in four questions: first, what type of activities need approval under the Development Act; secondly, who makes the decision; thirdly, on what basis do they make the decision; and, fourthly, what rights do the different players have to engage in the process? That is the system in a nutshell.

The previous bill, the Development (Panels) Amendment Bill, revolved around the question of who makes the decision. The parliament decided that we will have development assessment panels based on local government areas, with some elected members and some outside experts. I supported that bill. This bill deals with the question of the basis on which decisions are made. What we are dealing with are planning schemes, or what are referred to as development plans.

As with the Hon. David Ridgway when I made my contribution to the previous bill, I said that I looked forward to this bill because it was more important than the previous one. My reasons are essentially the same as those of the Hon. David Ridgway—namely, if you do not get the planning rules right, you will not get the right outcome, regardless of who the decision maker is. In other words, your starting point has to be the quality of your planning policy as reflected in the development plans.

When we talk about planning policy, what we are referring to are things called 'objectives' and 'principles of control', and they are set out in these planning schemes. I urge all honourable members who have never taken the time to do so to visit the Planning SA web site and look at these development plans and see how they are worded and structured, because that document is the key to the nature of our state, its physical form, the types of development we have and the areas where we have them.

However, given what I see as the importance of this bill, I have been surprised that we have had far less lobbying and far less input (and I think I speak for all members) than we did when we debated the composition of the development assessment panels. I received some communication from the Local Government Association and from Mitcham council because I asked them to tell me what they thought about the bill. I have been out there in the community proactively seeking the views of various stakeholders, including the planning profession, the planning law profession and various conservation groups. I ran my amendments past them and not too many people told me that I was barking up the wrong tree, so I really hope that the council takes my amendments seriously.

The concerns expressed, particularly by the Local Government Association, are fairly generic in their scope. What they seem to be most worried about is the balance between state and local responsibility for planning. The Local Government Association is of the view that the state government is interfering a little bit more than is warranted and that it is some form of slight on the ability of local government to properly deal with our planning system. Overall, however, the Local Government Association supports the intent of this bill, which is to improve and strengthen the strategic and policy framework across South Australia.

I share some of the concerns of the Local Government Association, because the cumulative effect of the bill we passed last time and the bill we are now considering is to tell local councils, 'You are to pay more attention to your strategic planning, you are to pay more attention to planning policy and don't get too fussed about the development assessment role, because we are going to have mixed panels deal with those.' So, I can see that local councils, when they look at this bill, can see various triggers for the state government to have input into planning policy. For example, local government talks about the uniform planning modules and the fact that the state will present planning policy on certain areas and that local councils will be instructed that they are to form

the non-negotiable parts of planning schemes. So, I can see where local government is coming from but, overall, the thrust of this bill is one that I do support, and that is to ensure that we do the best we can to get the planning rules right.

The starting point for this regime is the Development Act and its objects, one of those objects being the creation of development plans. The overall object of the act is described in terms suggesting this strange notion of proper, orderly and efficient planning and development—the sort of words over which lawyers love to litigate and which do not mean a whole lot. But, when it comes to the creation of individual development plans, one of the bases of these planning schemes is to encourage the management of the natural and constructed environment in an ecologically sustainable manner. The words 'ecologically sustainable manner' were included in the legislation I think in the year 2000 as part of the system improvement program reforms, and the concept of ESD was a welcome inclusion in the Development Act.

But, in my view, it does not go far enough to simply recognise the concept without actually giving some guidance as to what that concept means. Back in 1993 I would have liked to see the Development Act include a definition of ecologically sustainable development, just as its then companion legislation, the Environment Protection Act, included such a definition in section 10. It has taken us a bit longer to get ESD into the Development Act, and I think now is the time to define it adequately in this act.

One of the amendments that I will put forward incorporates a definition, and I will propose that we use the same definition as is provided in the Environment Protection Act. It is a definition that has stood the test of time, but I acknowledge it is not the only definition floating about. Another one that has been put forward in a recent draft of the crown land management bill words it slightly differently.

The reason I think it is important to include some of these philosophical underpinnings is that it gives the government an excellent opportunity to enshrine in legislation some of the points that it has been making over the past year that it says go to the heart of its environmental policy. I refer to things such as a no-species loss strategy. A concept such as that is fairly timeless. It is not as though, when governments change, as they do over the years, some governments say, 'We are happy to have species go extinct' and the next government comes along and says, 'We are not happy about that.' Things such as no-species loss should be a fundamental principle of all governments, and I can see no reason why such a principle should not be incorporated into our primary land use planning legislation.

I could say the same thing for greenhouse gas reduction targets. Again, there is a long-term agenda in place for reducing our greenhouse gas emissions, and let us include it in the development legislation. The way I propose to include it is, at this stage at least, by incorporating a definition of ESD, but I urge the government to propose its own further amendments to this bill and include at least those two components—the greenhouse policy and the no-species loss policy.

The main focus of the act relates to strategic planning, and one thing that I think is important about this bill is that it supports the idea of strategic planning encompassing both physical land use planning and also planning for social infrastructure. We all would have seen plenty of examples where new areas have been opened for housing development, but the social infrastructure, including public transport, schools and other services, lag well behind the carve-up of land for houses. It is always a tricky question about the chicken and the egg. Do you provide the services before there are people there, or do you wait for there to be a critical mass of people and then provide the services? But, for example, if you do not provide transport services until you have a largely fully occupied development, everyone there has already become entrenched in motor vehicle use and when the bus service is provided it will not be used because all the people who have moved to that area already have in place their travel patterns involving cars.

So, it is important that when we are looking at land use planning we integrate it with the planning for services. I think the bill does a reasonable job in trying to achieve that. One of the worst examples I have seen involving the lack of coordination between agencies was a proposed land subdivision on lower Eyre Peninsula, where the water resource for that subdivision was a ground water resource that was already oversubscribed. As the water supply authority, SA Water had already had to go to the minister every so often saying, 'We have exceeded our licence yet again; can you give us a top-up?' In spite of that background environment, the local council felt quite free to carve up some new areas—over pristine bushland to boot—and expect that SA Water would be able to step in and service those allotments. There was a complete failure to communicate between the agencies. The council did not seem to care. Its view was, 'Well, if there's a water problem that's for the water authority; it's not our concern. We're going to proceed with the subdivision.'

It is important that we have a planning system that is responsive to changes in the community. In recent times probably the two most significant examples of forms of development, which were unheard of for a great part of our history and which all of a sudden came onto the scene and required the attention of the planning system, were mobile phone towers and wind farms. They were two areas where the planning schemes were not set up to cope with them. They were fairly novel concepts, so we had to make changes to the planning schemes to give local authorities proper guidance as to where and how these developments should take place.

One of the criticisms—and I think it is the criticism that is probably at the heart of this legislation in terms of its rationale and why we need it—is that it takes so long for planning schemes to be changed. There are plenty of examples where it has taken years for a change in a planning scheme to go from the first proposal of a concept right through to gazettal. I had an experience on the Environment, Resources and Development Committee where I telephoned one of the people who had made a submission on a planning scheme and asked them to explain what they had meant by their submission. They expressed surprise, saying, 'Did I make a submission on that?' I said, 'Yes; it is in black and white.' They said, 'When did I do that?' The answer was, 'Two years ago.' We were considering something that was so old that they had to try to remember what concerns they had about a planning scheme two years before the parliamentary scrutiny process finally took place.

I will come back to the parliamentary scrutiny regime, because that is one of the major problems with the system at present, and it is one on which I will have some amendments to propose. The regime for changing planning schemes should not take several years but, on the other hand, delay is not always a bad thing. It is a question of getting the balance right and making sure that we have covered all the bases and that all the people who have a legitimate interest in it and are desirous of making a contribution have a chance to do so. So,

the challenge is to do town or regional planning better rather than just doing it faster for its own sake. We cannot sacrifice quality for speed.

In the government's material in support of this bill I have not seen any particular analysis of why changes to planning schemes take so long. There are various theories around, most of which involve one arm of government pointing the finger at another and saying, 'The ball is mostly in their court; it's their fault it takes so long.' I will not weigh into the debate as to why I think it takes so long, because that does not help us a great deal, but I can say whose fault it is not. It is not the fault of the general public who comment on planning schemes through the public consultation process. It is currently a two-month consultation period. Having a two-month consultation period is not the reason why a planning scheme takes two years to be passed.

One of the amendments we will be looking at is whether or not that two-month period can be shrunk to one month in certain circumstances. That may or may not be appropriate. I will come to that more in committee, but it would be terribly wrong to think that it is the public and the public's exercise of their consultation rights that is the problem. One document that I would urge members to look at is the Planning Education Foundation's Working Paper No. 7, which was published about eight years ago. I am very pleased that an article that I wrote appears in that working paper. In fact, what appears is my Masters thesis in town planning as summarised. The topic of my Masters thesis in planning was 'Fast-Tracking Development'.

I looked at the different methods that were used to fast-track development, and I looked at some of the justifications raised for them. One that emerged a lot was this idea that public consultation was the cause for delay. I found no evidence in the published literature, or in any of the research that I did, which proved that that was the case. The public is not the reason why. We therefore need to be very cautious before we start removing checks and balances such as public input. Until now the process used to change a planning scheme has been called the plan amendment report (PAR) process. It is now to be called the development plan amendment (DPA) process.

I am comfortable with the name change; that is fine. Personally, I have always preferred the concept of planning schemes, because when we talk about development plans often people confuse it with the developer's plans for a particular development. We can live with the change. It will now be DPAs instead of PARs. The process used to change a planning scheme is largely a hidden process. Most of the action takes place in consultation between local and state government, and the public gets a say only once most of the work has been done.

Members would be aware that it goes through a statement of intent as the initiating process. The bill proposes (and I think that this is a good improvement) that time lines will be negotiated, because it may well be that one of the reasons it has taken so long is that there has been no pressure on anyone to meet a certain time frame. I support that amendment provided those time lines do not interfere with the rights of people to engage in the process. The next aspect to look at in terms of the public consultation phase of development plan amendments is the exhibition phase—the phase at which a proposed change to a planning scheme is put before the general public.

My question is: how genuine is that consultation? Do councils or Planning SA (on behalf of the minister) really seek public input into these development plan changes? I am not sure about the answer. I think the answer is often, no; that they would rather not have the public engaged too much. Evidence for that is in the style and the form of advertisements which are completely incomprehensible to most people and which do not at all invite engagement with the process. I attended a local government and planning forum some time ago. I will not name which council he was from, but one of the council planners emailed me afterwards. It is just a few sentences, but the email states:

> Hi Mark, I met you at the seminar on Friday. I am the planner at—

and he named the council—

> If you are looking for a real cause to fight have a look at the way PARs—

now to be called DPAs—

> are exhibited and see if you think a lay person could understand the document—even if he or she did find the ad in the newspaper. A lot of PARs consist of things like 'remove a comma here', replace an 'and' with an 'or' there, and these are totally impossible to understand without doing a big cut and paste job.

The email further states:

> I think that all PARs should be required to exhibit the complete amended document and not just the amendment instructions. The commonsense of this is so obvious that it would have to get up, or is this naive?

I will not make too much comment on whether good ideas always get up in this place—I would hope they do. However, it is not naive because I think we can improve the way in which the community is engaged in planning issues. I picked one up at random, and it is only a couple of sentences, but this is an example from the amendment instruction tables for a recent plan amendment report with the Barossa council. Members of the public have to try to come to grips with the following instruction:

> Delete from Principal of Development Control 13 on page 183 the words 'allotments fronting Diagonal Road within the light industry service industry office. . . land identified in figure RU(VF)/2'.

That means nothing to most people. Certainly, when it comes to drafting legal documents, such as planning schemes, there does need to be that level of specificity so we know exactly where the commas and the 'ands' and 'ors' are and what we are doing, but that is an inappropriate way in which to engage with the community. I think we can actually value-add to that information by telling people exactly what it is we are proposing to do. It is not acceptable to have an advertisement at the back of the local newspaper in six point font and hidden amongst used car and massage parlour ads (those little public notices that no-one ever sees), which commence with formal sounding words, such as 'Development Act 1993, section 30 periodic review. All persons desiring of making submissions. . . '.

Members know the sort of thing I am talking about. They are formalistic and unhelpful. I think it is more acceptable to ask people in a community: what do you think about flats in your neighbourhood; what do you think about wetlands and stormwater treatment; do you think this is a good spot for industry; and is that a better spot for housing over there? If people were engaged in a way in which they understood the consequences of changes to planning schemes, I think you would find that you would get many more people engaging.

Some years ago there was a case where a council was undertaking its periodic review, and I do not think there was a single response from the ad in the newspaper because

probably not a single person understood what that newspaper ad meant.

I have as part of my comments today a current and topical case study to illustrate some of the problems with the Development Act that certainly my proposed amendments seek to overcome and are important to incorporate into the bill. This case study is that of the Wattle Range Council and its recent PAR in relation to the primary industry zone and the consequent decision by the Development Assessment Commission to approve the Penola pulp mill. We had a ministerial plan amendment report earlier this year, which basically changed the zoning of a certain parcel of land for the express purpose of facilitating the Penola pulp mill. In other words, the land identified as being suitable for that mill was not in a correct zone, so they changed the zoning to facilitate that project. That is not of itself a bad thing as it is often how planning is done: a good idea comes up, the zoning is not quite right, so you change the zoning. I am not opposed to that. However, I am opposed to—and I find this to be an abomination of the planning system—the fact that it was done by way of interim operation, first, and the zone that area of land was changed to was designated as one where major projects, such as pulp mills, went through as category 2 without any rights of general public notification or objector appeal.

The time line for that situation shows that my analysis is borne out. The minister gazetted the PAR in the *Government Gazette* of 18 May and declared it to have interim operation. That means that it was declared to come into operation and then you have the public consultation. The normal process of course is that you ask people, through public consultation, what they think about the zoning change. This is called shoot first and ask questions later, where the government changed the zone and then undertook the public consultation. That was on 18 May. On 19 May the applicant, Protavia, lodged its development application—the very day after the interim operation of the planning scheme was brought into effect.

The interim operation technique in the Development Act is one that I support and it has valid uses, but it was inappropriate in this case because the sole purpose of the interim operation was to make sure that this particular developer could lodge its application under a new planning scheme where there would be no right of any objectors to go to the umpire and appeal the development application. It was probably one of the most blatant examples of the government manipulating the planning scheme for the benefit of an individual developer that I have ever seen.

I am not speaking out against the Penola pulp mill or saying that it is a bad, wicked project; I am saying that the government went through the wrong process and that it was a corrupt process. We have in place methods and techniques for dealing with $650 million developments and processing them under an interim operation PAR and as category 2, the same as a carport or a rumpus room, is absolutely the wrong way to deal with major developments like that.

One of the cruelest ironies was that the proponent in that case misled the residents the entire way through the process by leading them to believe they would have the right to go to the umpire if they were unhappy with the planning decision. That was never the case. The fact of the PAR having been brought in and given interim operation, and the fact of a pulp mill then becoming category 2, meant that there was never going to be a chance for any objectors to be able to lodge an appeal against the process, if that is what they wanted to do. All in all, it was a bad process.

The only process that had any credibility was the fact that at least the local council did not insist on dealing with the application itself, because it stood to gain $4 million in road funding, which would have been a clear conflict of interest. That project should never have been given to the Development Assessment Commission to process as category 2. It should have always been a major project. I will come back to that later.

Part of the process that most people engage in when they are to have a say on a rezoning or a change to the planning scheme is that they attend meetings held by either the Development Policy Advisory Committee or by the local council. These meetings are generally not a transparent process. Speaking in relation to the Development Policy Advisory Committee mainly, because I served for some short period on that committee, my experience was that it was not an open process because there was no ability or desire for that committee to have any of its deliberations open to the public. It was impossible to find out what was on the agenda. It did not make minutes publicly available and, most importantly, people who gave their time to make a presentation to the Development Policy Advisory Committee were denied the opportunity to find out what happened to their submission. They were not allowed to ever find out what advice that statutory body then provided to the minister.

I went to the Port Adelaide waterfront meeting and somebody from the audience asked the chair of that meeting, 'Mr Chair, there are a couple of hundred people here and we are all telling you what we think; how will we ever know what advice you give to the minister?' The response was, 'Well, you will never know because that's a secret.' It is not an open process. That is another of my amendments: to try to make the Development Policy Advisory Committee process more open. I was tempted to try to abolish the entire committee as I am not convinced it is a great use of taxpayers' money. From my brief experience on it I found it to be entirely beholden to Planning SA. It would tinker around the edges, but it had no independent resources. It received all its advice from Planning SA, which provided all the secretarial services, so I do not think it was anywhere near as independent as it should have been.

The bill proposes some changes that will make improvements. In terms of local councils doing development plan amendments, they are now obliged to hold a meeting and to form a committee; so, that is one that I support. However, when it comes to the overall impression that is given by the current scheme, and the way it is applied, many local councils will just go through the motions. They will put the bare minimum of advertising in the paper that they can get away with and, as a result, many people will miss out on having their say. On the Environment, Resources and Development Committee, we recently heard from one local residents' group. Their evidence to us was that nobody realised the significance of the newspaper advertisement. They said, 'We really did not understand what this PAR process was about and we missed our opportunity.'

In that particular case, the residents were quite upset. When they did find out about it, which was great, and they had a chance to go to a public meeting, the meeting was held at 5 p.m. on a weeknight during the week before Christmas—not an ideal time to be doing public consultation, if your genuine desire is to find out what the local people think about planning in their area. In fact, it was often something we used to joke about in the conservation movement. If you only bought one newspaper a year, you should buy it on Christmas

Eve to have a look at the public notices because there would surely be something in there that someone would be trying to sneak through. So, I intend to table some amendments that will seek to make this whole process of public consultation over planning scheme amendments more transparent.

I refer briefly to the proposed A, B and C consultation methods in relation to changes to planning schemes. I agree with the government that one size does not fit all and that there is a good case for having more thorough forms of assessment and consultation for some proposed changes than for others. The way the system is structured under the bill—and as it is currently—is that councils and the minister agree on which method of consultation they will engage. If method C is chosen, the obligation is to directly notify all the people who are affected by the change, and that is something I support. As a lawyer, I gave advice to a man once who could not get a minor extension to his home. I had a look at the planning scheme and I said, 'Of course, your home is zoned "watershed protection" or "flood plain"'—or something like that. He said, 'It was not when I bought it. How could they have rezoned my house without anybody telling me?'

The answer is that there is no obligation to directly notify property owners when you rezone their property. That would be too onerous a task. For example, if you were to rezone half the state, it would be a huge expense to write to every person individually. I think that having this option C, which reduces the consultation period from two months to four weeks, is fine because it is attached to that requirement to directly notify all the people who are affected. I think that a better way of managing these well-known problems with public consultation is not to put in the bill the detailed font size requirements or on which page of the newspaper the advertisement should appear. I think that we have to leave that technical detail to others, so I am proposing a requirement that the minister prepare consultation guidelines that both Planning SA and local councils will have to follow. It may well be that they already have guidelines, but they are certainly not being universally followed.

I want to return to this idea of interim operation of development plan changes. One of the things that I have always thought, as a person with planning qualifications and as a planning lawyer, is that interim operation has a very valuable role to play if you are trying to stop bad things from happening and if you are trying to stop speculative behaviour. I asked parliamentary counsel to draft some amendments that go to that question of when it is appropriate to declare a planning scheme to change through interim operation, because at present it is effectively unfettered ministerial discretion, and I think that that discretion needs to be fettered. So, I have some amendments which basically provide that the idea of interim operation is to stop bad things from happening; it is not to give free kicks and 'mates rates' to your favourite development. Interim operation should not be about fast-tracking development to avoid potentially embarrassing public scrutiny.

I had not realised at the time, but when I was doing my consultation on this bill and I was talking to some town planners, one of them said to me, 'Mark, of course that is what it is for. Haven't you seen Planning Practice Circular No. 2, June 1988?' I must confess that I had not as it was a little bit old. I want to read from that Planning Practice Circular because it explains exactly the proper use for interim operation. This is a circular, dated June 1988, signed by Don Hopgood, the then deputy premier and minister for environment and planning, so he was the planning minister. The minister said:

> There has been a growing tendency for councils to request the Governor's use of section 43 of the Planning Act to bring supplementary development plans into operation on an interim basis at the same time they are approved for public exhibition.

That is the old language of section 43 of the old planning act, but it is the concept of interim operation, and the minister is saying that councils are asking for more interim operation. The minister continues, pointing out that the interim operation section is an important section of the act and it is 'of particular effect where there is a risk that, when the supplementary development plan'—we would now say DPA—'becomes known during its public exhibition phase, applications may be lodged under existing rules which may prejudice the achievement of the objects of the supplementary development plan'.

So, the minister is saying that, for example, where it is proposed to increase minimum allotment sizes for housing, what you do not want is a rush of applications where people desperately try to sneak in under the old laws to get their housing subdivision approved because it is going to be harder when the planning scheme change comes through. That is what interim operation is all about. Minister Hopgood continues:

> I advise that, as a general rule, I will not favour requests for the use of section 43 unless it can be demonstrated there is a risk that development may occur which is hostile to the intent of an SDP.

Basically, the minister is saying—and he is doing it in a practice circular, because it is not in the legislation itself—'As a minister, I am not going to allow the abuse of the interim operations process.' The minister concludes:

> I generally will not recommend such requests to the Governor. I will not recommend those requests where the interim operation of the supplementary development plan is intended only to speed up the approval of a particular development. To approve the interim operation in these instances would, of course, effectively negate the extensive opportunities for public comment provided in section 41 of the act.

So, minister Hopgood is saying, effectively, that, if he were the minister today, he would not be using interim operation to speed up a favoured government development, such as we saw with the Penola Pulp Mill case.

The next point to which I want to refer is the concept of parliamentary scrutiny of development plan changes, as they currently exist in the Development Act and as they are proposed in this bill. As it currently exists, the system of parliamentary scrutiny is fundamentally flawed. It suffers from some of the same problems as the parliamentary scrutiny of delegated legislation in that it is an 'after the horse has bolted' type of parliamentary scrutiny. In other words, the parliamentary committee (the ERD Committee) gets to see these PARs and to have a formal role in either recommending changes or disallowance only after they have been put into operation, and that effectively makes a joke of parliamentary scrutiny.

Typically, it will be some several months after a change to a planning scheme has come into operation before the ERD Committee gets to look at it. In the meantime, that planning scheme has been valid and has been operative. Anyone who lodges a development application against that change to the planning scheme will have it assessed against the scheme as it existed at that date, regardless of whether it is subsequently disallowed by the parliament. What that means is that anyone who wants to take advantage of a PAR (now DPA) change

has a window of opportunity of a couple of months in which to get their application in, just because that is the safest course of action, because parliament might throw it out and they may not get another chance. So, it makes a mockery of parliamentary scrutiny.

Before I came into this parliament, I appeared before the Environment, Resources and Development Committee on a number of occasions, arguing in relation to particular PARs. The last time I did this, it was clear that it was a waste of time bothering with that exercise, because two dozen applications had been lodged in the newly created zone. In fact, that zone was fully subscribed. Any damage that was to be done by applications had been done long before the parliament got to look at it. In fact, in relation to a recent PAR we looked at just this year, I asked the mayor of the local council, 'Have any applications been lodged in this zone in the few months it's been operative?' The mayor replied, 'Yes.' I asked, 'How many?' and the mayor replied, 'Lots.' In response to the question, 'Have applications been lodged in every area where they have changed the zoning?', the mayor replied, 'Yes.' Again, almost fully subscribed; anyone who wanted to take advantage of it had already done so.

So, that really begs the question: what is the point of parliamentary scrutiny; what is the point of staying up late at night reading all these planning amendment reports and deciding whether or not we like them and think they are good planning policy for this state if, in fact, they have been operative for several months and any disallowance we might be inclined to move would be completely wasted? What I want to do is to incorporate genuine parliamentary scrutiny into the process. I think we can do that without unduly delaying the process, because normally what would happen is that the government would say, 'We can't possibly wait for the ERD Committee to decide whether or not it likes it, because the committee will just take forever,' but that need not be the case.

We can build into the Development Act a process that gives due recognition to the government's desire to have planning scheme changes go through in a timely manner, but not wasting the ERD Committee's time by the horse having already bolted: in other words, to build in parliamentary scrutiny before the PAR comes into operation. Of course, if there are urgent circumstances, we can still use the interim operation provision. If it is important to stop opportunistic subdivision applications, of course the minister should still be able to use interim operation. The parliament would have less of a role in those cases because of the interim operation provision.

The Hon. David Ridgway referred to a proposal in the bill that the ERD Committee is to be notified of various time lines and would therefore be able to see whether or not councils are on track with their plan amendment process. That is all well and good, but I cannot really see the great value in it. All that would result is that, if councils are being particularly slow, the Environment, Resources and Development Committee would wag its collective finger at them and say, 'Gee, you're slow,' but nothing else would flow from it. I cannot see that that is a terribly effective use of parliamentary scrutiny just to keep a tab on time limits, when Planning SA will inevitably be keeping its own records as well. I cannot see that we add much value to that process.

The government, in this bill, is proposing some changes to the major projects provisions, and one of the proposals is to get rid of the Major Developments Panel, and I am not shedding any tears over that. I do not think the Major Developments Panel adds a great deal to the process, and that role can be given to the Development Assessment Commission. I am reminded of an article that appeared in the *Independent Weekly* two or three editions ago, I think it was, where the author of that article talked about the major development process and how it was abused as a way of calling in from a local council a project that might otherwise have attracted appeal rights and making sure that it was appeal free by giving it major project status. That abuse happens. That is one of the reasons why governments call in projects they think might not get through. They want it to happen, so they call it in to keep some political control over it. The importance of major development status is that it is currently the only trigger for formal environmental impact assessment under our planning laws.

The only way that you can get a formal EIS or a PER or a development report is to call it in. Local councils do not have the power to insist that a proponent prepare an environmental impact statement; only the state government can do that through calling in a major project. The trade-off in that process is that appeal rights disappear. The trade-off is that you get a higher level of environmental scrutiny, because you make the proponent prepare an EIS, but what you lose is public appeal rights. Often, in the conservation movement, people are critical of call-ins of major projects, but the flip side of the coin is that, because it is the only way to get a formal EIS done, there are situations where projects are crying out for major development status and the government (for whatever reason) refuses to give that status.

Again, the Penola Pulp Mill is a classic example of a project of some importance to this state, and of some significance, that should have been declared a major project. I will tell you some of the reasons why I think it should have been declared. First of all, this single project is going to be responsible for 7 per cent of this state's greenhouse gas emissions—7 per cent; a massive contribution to this state's greenhouse gas emissions. That is not a figure that I have made up; it is on the Penola Pulp Mill web site and is its estimate of greenhouse gas emissions from this project.

How would major project status have helped that? It would have required a formal EIS and we could have analysed the proposed energy use and where it was coming from—some of it will come from, hopefully, renewable energy because there are wind farms down there—but that would have been the process of properly going through the environmental impacts of that particular development.

The Development Assessment Commission, which ultimately ended up with this project as a category 2—and remember, category 2 is the same category that is used for trees and carports and rumpus rooms on boundaries—in its report referred to some concerns that government agencies had about the Penola Pulp Mill. For example, EPA said that the proponent had not demonstrated how dioxins, to be potentially formed in the boiler gas flue, will be prevented. The EPA also said that there was potential for a catastrophic contamination event, such as a chemical spill, as well as from ongoing low-level contamination events, such as stormwater pollution contaminated by oil, resulting in high ongoing risk.

There are two other government departments—the Water, Land and Biodiversity Conservation Department and the Environment and Heritage Department—saying that they are concerned about the impact this project would have on local wetlands. To quote from the Development Assessment Commission planner's report, it states:

The Department for Environment and Heritage has raised potential implications for the ecology of wetlands based on the hydrological assessment prepared for the applicant. These concerns have received concurrence by the Department of Water, Land and Biodiversity Conservation. The main thrust of the ecological concerns is that unassessed wetlands exist in the area. These are not discussed in the applicant's hydrological assessment and, therefore, the water requirements and potential impacts of water extraction on the hydrology and ecosystems of these wetlands are not addressed in the development application.

They were not addressed and, because it was not called in as a major project, there was no clear way of forcing that level of assessment. If this had gone through major project status, that developer would have been told, 'Go away and provide scientific evidence that your extraction of groundwater is not going to ruin local groundwater dependent wetlands.' They were not made to do that because the minister refused to call it in as a major project.

I alluded to this before, but one cruel irony with the whole Penola Pulp Mill development is that the proponent, in fact to this day, because I checked the web site again just before parliament resumed, has been peddling a myth in the community. This is from the proponent's web site:

Representors are advised of the decision—

that is, the final decision to approve it—

and have appeal rights to the Environment, Resources and Development Court.

They do not have appeal rights. They, in good faith, have probably relied on the proponent's web site but they did not have appeal rights. In fact, all they got was five minutes each before the Development Assessment Commission. That was the level of input they had. They could write as much as they wanted. They could put in lengthy submissions, in the brief time available, but they were given only five minutes. The advantage, of course, of having third party appeal rights is that you can actually explore the advantages and disadvantages of a development in great detail.

In my first ever planning case I was given five minutes before the Development Assessment Commission. I took three weeks in court and the full bench of the Environment Court agreed that the Conservation Council was correct and the industry submission was not, and they overturned the approvals. There was no such chance for any of the people at Penola. I repeat, I am not against the Penola Pulp Mill. I am not advocating for or against it, but the planning processes used in that case were just appalling. That then begs the question: regarding the decision as to whether something is a major project or not, if it is unfettered ministerial discretion to call that project in—and that is currently what it is; the minister forms the view that a project is of major economic environmental or social significance—that is the trigger for calling in a project.

If that trigger is not good enough, what other triggers might there be? Some states have great lists of the types of development that must have an EIS done—a big, long prescriptive list. I do not think that is necessarily the best way to go, so my amendment is a fairly modest one and it is basically to attach an additional trigger: namely, the resolution of either house of parliament to call in a major project, as well as ministerial discretion.

There is one clause in the section in the Development Act which is amended by this legislation. It has been a favourite of mine for the past 10 years or so. It is one of those sections of an act where I thought, if I ever got into parliament, this is the very first one that I would like to knock off. It is a bad section. I used to give it to my students of environmental law as the worst section in any piece of environmental legislation in South Australia. I am talking about the privative clause—section 48E of the Development Act. What this section does is provide that the government will make sure that no-one is ever able to challenge anything to do with a major project. I think that the original justification was that it was in the interests of business confidence. Section 48 provides that no proceeding for judicial review or for a declaration, injunction, writ, order or other remedy may be brought to challenge or question a decision of, for example, the minister once it has been declared a major development. You are not allowed to challenge any procedures or proceedings that relate to major developments. You are not allowed to challenge any 'act, omission, matter or thing'.

What this privative clause does is provide that the government is not to be held accountable for its proper compliance with the law of the land. Unfortunately, most of the lawyers in the council are not here. It is an important principle of our legal system—the balance between the executive, the legislature and the judiciary—that government should be held accountable according to law. Section 48E provides that, even if the government does not comply with the law, no-one can do anything about it. Courts, particularly the Supreme Court, will bend over backwards to try to read down such a privative clause. They will try to say, 'Of course we have the right to review government decisions.' As I said, I wrote a master's thesis on this topic and, unless there have been some major legal precedents in the past couple of years, I am pretty confident that this is a watertight privative clause. I think that it can be very safely removed without a risk to business confidence and without in any way standing in the way of a meritorious development that has been processed properly.

I can still remember sitting with the Labor Party in opposition when it told me that, if it got into office, it would repeal this section. That was a promise made to me and to a number of lawyers representing the Conservation Council. They said, 'Mark, we have to approve section 48E because it will look like we're not pro business if we don't but, when we get in, we'll get rid of it.' Well, here is the opportunity. Get rid of section 48E. It does not open the floodgates to appeals against major developments because appeals are already precluded under section 48(12). All it does is provide that the government must follow the processes set out in the act and, if it does not, anyone with standing should be able to go to the court and make the government follow the proper process.

I thought I would have a lot more to say about this bill, but I will wind up very shortly as I have received assurances from the government that another important aspect of this legislation—that is, the development assessment process and the way in which each individual development is assessed—will be dealt with in the next bill. So, I will hold my fire on those issues until the next bill comes before the council. I will look again for opportunities for public input and for them to genuinely engage in the planning process. Overall, I offer conditional support for the second reading of the bill, and I urge members to consider my amendments very seriously when they receive them in the next day or two.

The Hon. SANDRA KANCK: After that stirring speech by the Hon. Mark Parnell, I think that there is little left to say. Last year, we debated the very large and comprehensive sustainable development bill but, because of a disagreement

about amendments (principally between the government and the opposition), this is part of a section of that bill that was ditched by the government at the time. It has now appeared in a slightly different form and, generally speaking, I am supportive of the thrust of the bill.

I regard it as a significant bill, but there has been very little public reaction to it. The Conservation Council wrote to me with a list of concerns. The LGA has also emailed me, but it certainly does not seem to have a huge number of concerns about it. When I was dealing with the sustainable development bill last year, I was in frequent contact with the solicitor from the Environmental Defender's Office—one Mark Parnell. When I was getting my amendments drafted, I sent them through to him and asked for his comment and advice. Of course, now he sits beside me in this chamber and, having heard what he has said this afternoon, I feel that I can take somewhat of a back seat and support the initiatives he will take with his amendments. I have no intention of duplicating the effort he is putting in, although I have put one amendment on file.

The Development Act originally had 'development plans', and any proposed amendments to those were called SDPs (supplementary development plans). Since then, what were called SDPs have become PARs (plan amendment reports), which is what we currently call them. With this legislation, they will become DPAs (development plan amendments). We are told that this name change gives a clearer idea of what it is we are dealing with, although I have to say that I always thought 'supplementary development plan' was a pretty good term. We keep changing horses, but I am not really sure that we are any further ahead by the name changing; obviously, someone thinks it is important.

So, the PARs will turn into DPAs, and some of these will be 'better development plans' (which we will call BDPs), and the Development Assessment Commission (DAC) will take control of the EIS process, all of which will no doubt be followed with great interest by the LGA. When in doubt, change the name. I do, however, welcome the idea of local councils developing strategic plans with the requirement for five-year reviews. If that had been compulsory in the past, we might, for instance, not have seen urban development pushing right up against the boundary of the Aldinga Scrub Conservation Park.

What will be interesting to explore in relation to this bill is what role the state government intends to play in interfering with any strategic plans that are devised. I recall in regard to the sustainable development bill last year that FOCUS (Friends of the City of Unley Society) was concerned about that large bill and I said to it that, given the council is obligated to develop and, later on, review strategic plans, it could, for instance, declare large sections of the City of Unley to be a heritage precinct as part of its policy plans. FOCUS was very sceptical about that and said that it believed the minister would intervene and stop it, so I will seek to ensure that the minister will not be able to stop that. If there is any suggestion that the minister will be able to override the policies that local government puts in place, I will look very quickly at some amendments to ensure that that cannot happen.

Already, now, as a consequence of the last development bill a couple of months ago, we have the situation where the panels will be dominated by independents and the local councils will not be able to represent their residents in the way they want to be represented. If there is any suggestion that, on top of this, the government would interfere to stop the councils in any plans that they develop under this legislation, I think there would be a huge public reaction.

So, for me, that is probably the most crucial issue in regard to this bill. I believe, as I did with the previous development amendment bill, that local councils should be able to decide what is in the best interests of the people in their area and not what the minister thinks is best. I indicate support for the second reading but also that I will be looking closely at reining in any excesses of government.

The Hon. I.K. HUNTER secured the adjournment of the debate.

MURRAY-DARLING BASIN (AMENDING AGREEMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 521.)

The Hon. S.G. WADE: I begin by indicating the opposition's support for this bill. The 1992 Murray-Darling Basin Agreement is an important agreement for South Australia, as it seeks to protect South Australia's environment and secure the long-term water supplies of our state. Within the Murray-Darling Basin the operations of the Snowy Mountains Hydro-electric Authority have a major impact on the flow of the river. As part of the establishment of the National Electricity Market, the Snowy Mountains Hydro-electric Authority was corporatised in 2002. The Murray-Darling agreement needed to be amended to reflect the new arrangements put in place by the Victorian, New South Wales and federal governments. The changes support the flow of water into the Murray and Murrumbidgee rivers and require that a minimal annual water release is maintained by the Snowy Hydro corporation. This bill ensures that South Australia's legislation reflects these changes.

In supporting the corporatisation of Snowy Hydro, the Labor governments of New South Wales and Victoria recognise that commercial-type activities of government can often be managed better using business models. Where government entities participate in commercial markets, they will usually operate more effectively and efficiently if they are made subject to the disciplines of the market and commercial objectives. Corporatisation of government business enterprise often allows for better allocation of resources, increased flexibility, stronger and fairer competition and a better response to customers.

In addition to engaging in the marketplace, corporatisation can also be an important response to risk. Governments tend to have a lower tolerance of risk than the private sector, yet in some respects government ownership of an enterprise can actually make an enterprise more risky. For example, a government enterprise may have an internal culture which is not well-suited to being responsive to the market. The enterprise may be subject to accountability mechanisms which undermine the capacity of the enterprise to serve its customers, or the enterprise might operate in a legislative framework which is overly onerous. All of these factors mean that government businesses tend to be insufficiently flexible and slower to respond to market changes than a private sector body. On the one hand, their owner has a lower tolerance of risk: on the other hand, they have a higher vulnerability to risk.

Governments must manage risk, and a good government must decide that the best way to discharge its responsibility

to manage risk may be to corporatise the government enterprise or even to privatise it. It is one thing for a private company to engage in a high risk enterprise with its own money, but governments should not be taking risks with public funds. Fiscal responsibility is about making the tough decisions. It is about having the flexibility and courage to be open to a range of solutions, even privatisation.

In this bill we can see a pleasing signal that some parts of the ALP are accepting the demands of fiscal responsibility (namely, the governments of New South Wales and Victoria). As part of developing a national market for electricity, these Labor governments have accepted the need to corporatise Snowy Hydro. They accept that private sector mechanisms are often better suited to market-type operations. In fact, until recently, both of these governments actively pursued the next step—the option of privatisation. It is refreshing to see Labor governments that are willing to look at privatisation and consider it as a serious option in the pursuit of good government.

Similarly, prior to its recent election, the Queensland ALP government introduced legislation to enable the sale of a large section of the government-controlled electricity industry in Queensland. The Beattie Labor government recognised that these government enterprises also pose a serious financial risk to the government and, accordingly, to the people of Queensland. To continue operating these assets as government authorities in a highly dynamic market under government control is far too risky, and the Queensland ALP government has recognised this. Unlike former Labor governments of this state, it was not willing to risk a shameful debacle and leave the taxpayer to foot the bill. No, instead, the Queensland Labor government took a responsible approach. Faced with unacceptable risks, it decided it was in the best interests of its electors to divest itself of government assets, and it was in the best interests of its electors to privatise.

Corporatisation and privatisation are powerful tools available to governments. They are strong policy options in those areas where governments engage in the marketplace. In fact, I would go further. I suggest to the council that a government cannot be fully committed to fiscal responsibility and rule out the use of these tools. Any government so inflexible as to refuse to even look at these options is arrogant and irresponsible. Unfortunately, we have such a government here in South Australia.

I have with me a copy of a document signed by the Premier banning privatisation in South Australia under this government. In fact, to call it a document may be to belittle it. It is not just a document but a decree: the no privatisation decree. Premiers may make statements, but following his recent election victory Mr Rann thinks he should now be making decrees. If Adelaide is the Athens of the south, the Premier now sees himself as its monarch. With the arrogance of a Greek god, he goes around issuing decrees.

The content is more scary than the Premier's arrogance. In this so-called decree the Premier has categorically ruled out the option of privatisation, with no exception. This is not a statement of general intent to indicate a reluctance to corporatise or privatise: it claims to rule out the privatisation option with no exception. None of us know the future; no government can know the future, yet this government is so arrogant that it is willing to declare that, even though three of its sister Labor governments have pursued or are pursuing privatisation options, it cannot foresee any circumstance where it would be willing to consider privatising a government enterprise.

Perhaps the Premier thinks he has become a god and acquired the power of omniscience. In fact, I rather fear that, rather than being the beneficiary of omniscience, this state is again being put at risk by an arrogant Labor government. One could try to reassure oneself by noting that the decree was co-signed by Treasurer Foley and that he feels no moral imperative to honour promises. This decree may be as dispensable as the ALP's commitments to no new uranium mines or the Premier's pledge at the 2002 election, but the arrogance of this government and the sheer, breathtaking lack of qualifications in this decree make me think this government would be willing to risk millions or perhaps, yet again, billions of dollars of taxpayers' money before it felt forced to take fiscally responsible action.

In conclusion, while I commend this bill to the council, it also serves to highlight how arrogant this government has become and how its arrogance places this state in a higher risk environment. South Australia cannot afford another arrogant Labor government. She cannot afford another Labor financial disaster. Mike Rann's no privatisation decree may well be the seed of the next such disaster.

The Hon. A.L. EVANS: I indicate Family First support for this bill. About two weeks ago I had the opportunity of visiting some constituents at Walkers Flat on the River Murray. It is a beautiful area, and at this township the river is bound by tall, iridescent cliffs. There is nothing more scenic than a picture of sunset hitting the cliffs as the calm and sheltered Murray flows beneath. We are privileged in South Australia to have such a wonder of creation as the Murray River, and we have an obligation to protect it.

Historically, the management of the Murray River has been a source of friction between New South Wales, Victoria and South Australia. The Murray was a major means of transport, and many clauses were negotiated into the commonwealth constitution to deal with that issue. In the 1880s, when the first major diversions of water from the Murray for irrigation started occurring, other conflicts developed. As is happening today, crises brought the colonies together. In the late 19th century the crisis was a severe drought that extended from 1895 to 1902. Today the crisis is the poor health of the river. In 1915 the River Murray Waters Agreement was signed by the commonwealth government and the governments of New South Wales, Victoria and South Australia. That agreement was superseded by the Murray-Darling Basin Agreement of 1992 and the Murray-Darling Basin Act of 1993. The Snowy Mountains Hydro-electric Scheme was corporatised in 2002, and that corporatisation has required changes to the 1992 agreement.

For some time more than 37 intergovernmental and commercial licensing contracts have been drawn up to ensure minimum annual water releases to the Murray and the Murrumbidgee systems. In order to provide enduring safeguards, the new arrangements were enshrined in the Murray-Darling Basin Agreement Amending Agreement 2002, to which South Australia became a signatory on 14 April 2002. Clause 6 of the 1992 act requires that any amendments to the agreement be submitted to parliament for ratification, and that is why we are here—belatedly—today. I note that the New South Wales, Victorian and commonwealth parliaments have already passed their respective legislation.

I am very concerned for the health of the river. Stories are told by old residents along the river who say that when they were young they could stand waist deep in the river and see their feet through the crystal clear water. I have also heard that Aborigines would stand on the shore and spear Murray cod by sight in the river. Nowadays the river is so murky that you struggle to see your own hand just below the surface.

This year has been a particularly tough year. We are told that rainfall in the Murray-Darling Basin in the nine months to August is in the lowest 10 per cent of all recorded rainfalls for the catchment. In a previous season I believe the Darling saw so little rainfall that the Murray was flowing backwards. In the USA we have already seen the death of the Colorado River which runs through the Grand Canyon but which no longer reaches the sea. The Soviets have wiped the Aral Sea from the face of the earth. That was the result of improper water allocation to cotton farmers. I would encourage and support the government in taking whatever steps are necessary to save the Murray from a similar fate.

This bill is a small piece in the puzzle when it comes to the health of the Murray. Many say that the Murray-Darling Basin initiative does not go far enough, but at least it is a step in the right direction. I understand the opposition does not oppose the bill and, at this stage, neither does Family First.

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

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Adjourned debate on second reading.

(Continued from 30 August. Page 563.)

The Hon. T.J. STEPHENS: I indicate Liberal Party support for this bill. In the other place the shadow minister for energy, the member for Waite, spoke in detail about the reasons why the Liberal opposition is happy to support the bill, and I see no need to go into such great detail. I will just reinforce the opposition's position as detailed in the other place. Essentially, the bill comprises amendments to the Electricity Act 1996 in order to address concerns about safety in technical areas which have become apparent to the Technical Regulator in the course of administering the legislation.

Also, it includes amendments to the Gas Act 1997 in order to mirror some of the amendments proposed to the Electricity Act. The shadow minister for energy in the other place has consulted with a number of agencies from both the private and public sectors, electricity companies, institutes, industry associations, Business SA, building associations, mines and energy associations and electrical and communications associations. In this time a number of minor issues have been raised but nothing major. The only point I make is that, in regard to the issues that have been raised (such as some explanation or guidance from the minister as to how parts of the bill might work in a practical sense), the opposition has not heard back from the minister.

However, as the issues are minor, we trust the energy minister's advice in the other place when he said:

> I will ask the Technical Regulator's office to take a detailed look at these issues.

Hansard also shows that the minister indicated that the government would, between the houses, turn its mind to any possible effects about which the honourable member might be worried and provide a full explanation. Whilst some of my own personal concerns were clarified in the briefing I received after the bill was passed in the other place, subsequent contact from my office with the shadow energy minister's office indicates that a full explanation has not been received. As I said, these were not major points, but I do wish to place the opposition's concerns—albeit small ones—on the record and ensure that the government is aware of these concerns. That being said, the opposition supports the bill.

The Hon. R.P. WORTLEY: Mr President, please excuse the bit of shakiness in my voice, but I am still trying to get over that powerful fire and brimstone speech by the Hon. Mr Wade. I hope he sleeps well tonight now that he has all that anger off his chest, and he comes back tomorrow ready for another day. I rise to support this bill, which is required to protect the interests of consumers of electricity by establishing and enforcing improved standards of monitoring the safety, reliability and quality of electricity and gas installations. This will be achieved by making various amendments to the Electricity Act 1996 and the Gas Act 1997.

These acts are proposed to be amended mainly for housekeeping reasons to improve and update various safety and technical regulations. Home owners and energy utilities now take quite a different view in relation to maintaining safety and ensuring that technical regulations are complied with than they did in the past. Before relevant legislation was passed, anyone with a set of tools and a dream could set forth and attempt the do-it-yourself renovation. This resulted in a trail of poor electrical work throughout the state, which was addressed through the implementation of standards and monitoring from the Office of the Technical Regulator.

Today home buyers are paying a premium for the do-it-yourself culture of the past. The 2002 Royal Australian Institute of Architects' House Conditions in Australian Executive Summary reports that, behind Victoria, South Australia has more electrical faults than any other state. Members will be surprised to hear that Walkerville has been tagged as the suburb with the highest rate of electrical faults in the country. That is quite a surprising statistic. Taking that into consideration, if a suburb with probably some of the highest property values and housing in the state has the highest number of electrical faults, one can imagine the problems we have in this state.

One inspection conducted by the Royal Institute of Architects discovered that a home owner had illegally installed electrical cables diagonally through a wall and disguised it behind furniture. A relatively harmless act such as hanging a picture may have resulted in grim consequences. The inspection report noted, 'The client is at risk of electrocution.' Although the Electricity Act 1996 has curbed such occurrences, further amendments are required to ensure that the legislation works as well as possible.

The minor changes in this bill reflect social change. The South Australian community no longer accepts the risks that might have been acceptable in the past. As members are aware, the Technical Regulator is a statutory office established by both the Electricity Act and the Gas Act. The Technical Regulator is required to report to parliament on the performance and responsibility of the gas and electricity industries. The Technical Regulator's report plays a key role in assisting and increasing the safety of consumers and industry workers. Unfortunately, the 2005-06 report is not yet available.

For this reason I will refer to the major issues and statistics that arose from the Technical Regulator's 2004-05 annual report. This report indicates that a significant amount of non-compliant work is still being done by the electrical contracting industry. However, the number of serious accidents has decreased by approximately 33 per cent over the reporting period. Ongoing reviews and inspections are required to maintain these levels of safety in electrical installations. Sadly, although the number of incidents has decreased by a significant percentage, two fatalities were reported.

One of the deaths was that of a 34-year-old maintenance worker being electrocuted on the roof of a car dealership at Prospect while attempting to retube a fluorescent signboard. He had not isolated the supply prior to working on the equipment. A live wire came free when he was changing the tube and connected with the victim's hand causing a fatal shock. This unfortunate accident demonstrates why improved safety is necessary.

On 7 July 2006 an article appeared in *The Advertiser* about a man found electrocuted in an Adelaide Hills shed. The man died while rewiring a light used to grow cannabis. Officials from the Office of the Technical Regulator found the wiring was back to front. Unfortunately, it is all too common for work carried out by unlicensed people to have increased risk both to themselves and to other members of the community. In the most serious cases of non-compliant, dangerous and substandard work practices there is still a need for enforcement measures.

To this end 62 expiration notices covering 79 breaches of the Electricity Act 1996 were issued in 2004-05. For this reason it is vital that consumers are kept aware of various issues that impact on their safety. To keep our state safe during the bushfire season, clause 5, amending section 57 of the act, reduces the required notice period for entry to undertake required vegetation clearance work from a minimum of 60 days to 30 days. This amendment will be vital in reducing the risk of fires, especially after such a dry winter. ETSA Utilities specifically requested this amendment to ensure clearance work can commence before the bushfire risk season. Tree branches connecting with our power lines was one of the main causes of the Ash Wednesday bushfire in February 1983. Over 70 Victorians and South Australians were killed as the fires swept across both states. The total cost of the damage to private property in South Australia alone was estimated to be more than $200 million.

The risk of bushfires being started by overhead power lines can be managed only through vegetation clearance so that flammable material is kept well away from power lines, thus protecting people and property from such devastation. The Technical Regulator investigated a number of fires caused through suspected electrical faults. Extensive fire damage was caused to a business as a result of excessive corrosion inside the switchboard due to the installation of an incorrectly rated switchboard enclosed in an area where corrosive fumes were present.

In 2004-05, 749 electric shocks were reported to the Technical Regulator: 383 of these reports were related to faults with the electricity distribution and supply network, with the remainder due to faults or work practices in electrical installations. In order to provide greater and more appropriate safety assurance and to decrease the number of electrical incidents, the new amendments are required to classify particular items as either infrastructure or installation. The amendments of Part 2, section 4, in regard to the meaning of the terms 'electrical installation' and 'electrical infrastructure' have been adjusted so that they can be expanded or limited by regulation. A new definition of 'electrical equipment' has been included to define any electrical appliance or wires, fittings, equipment or accessories beyond an electrical outlet, at which wiring terminates.

Since the Gas Act and Electricity Act were introduced some 10 years ago, and given the previous findings of the Technical Regulator in relation to energy supply and contracting industries, it is appropriate to amend the legislation where shortcomings have become apparent. For this reason I support the bill, which seeks to improve and restructure some of the technical requirements in the gas and electricity industry.

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

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

Adjourned debate on second reading.

(Continued from 31 August. Page 606.)

The Hon. SANDRA KANCK: This bill is arguably the most significant piece of legislation to be introduced in parliament this year. Although it is only one sitting day since it was introduced, I am addressing it with a sense of urgency in the hope that other parties represented in this chamber will listen, learn and understand why it is a bill that should be defeated. It is a bill which, on the surface, appears to be run of the mill. It has been introduced because of a sunset clause that would see the scheme go out of existence by the end of this year. Support for this bill will allow this scheme and all its damage to continue.

On the face of it, the Upper South East Dryland Salinity and Flood Management Scheme (or the USEDS scheme, as I will refer to it from here on in) is a simple concept about draining saline water from the land in the Upper South East of this state. A belief in simplicity, however, would be very misguided. To the contrary, this is an exceedingly complex and costly program. If this scheme is given continuing life by virtue of the passage of this bill, members of this chamber will ultimately be held accountable for one of the greatest acts of conscious environmental vandalism in this state.

A little bit of history is needed about the area. In the 1880s this land was cut grass swamp and was submerged regularly in winter, but there was always a desire by farmers to divert this water and drain the land so that more primary production could take place. The first drains changed the vegetation community to tea tree. The landholders in the Marcollat region purchased the land knowing that the land was wet. They then commenced to push for drains so that they could open up more land. It is a bit like people buying land near an airport and then demanding that the airport be closed down because of the noise. The sad part about the consequence of this is that the drainage of land has resulted in destruction of native vegetation, putting stock on the cleared land with subsequent further degradation resulting from the grazing.

On 21 June in this chamber I spoke about the scheme in response to the tabling of the annual report of the Environment, Resources and Development Committee. I spoke then of the damage that is already occurring in respect of this scheme and I specifically want to repeat one singularly important observation I made then:

Where drains are constructed in the Upper South East, permanent wetlands become semi-permanent, and semi-permanent ones disappear.

When I was a member of the ERD Committee, we heard submissions from some of the farmers living in the South-East who were opposed to the scheme. As the scheme was proceeding, although this legislation was introduced only at the end of 2002, after 2½ years of operation, many of the farmers in the area became extremely concerned. One of the submissions that the ERD Committee received was entitled 'Reasons why we are opposed to a drain adjoining the Parrakie Wetlands'. They are as follows:

- Contravenes many of the principles of the SE Natural resources Plan
- Areas of State and regional conservation significance—large areas of the Bald Hills watercourse under Heritage Agreements
- Inaugural winner of IBIS award for it's excellence in conservation
- Largest private area of pristine vegetation left in the USE with a BSI score of 78 average for the USE 35 (more than double the score)
- Has many nationally threatened species e.g. the Southern Bell frog and Yarra Pygmy Perch that are completely reliant on fresh water and not included in the original EIS. Quality levels in late November 03—2 200 p/m Rocky and 1 900 p/m in Smiths swamps
- Has many rare, endangered or threatened species e.g. Mallee Fowl, Rosenbergs Goanna, Beautiful Firetail, blue billed duck, and many other waterfowl, to name just a few. Parrakie Wetlands supports over 130 species of birds alone
- Existing drainage works have already reduced the flows and quality of water reaching the West Avenue (Bald Hills) watercourse
- The Environmental Risk Assessment report begins its recommendations by saying that 'The proposed drain immediately adjacent to the watercourse has the potential for significant degradation of watercourse vegetation'
- Flow from the Wimpinmerit drain will enter the Bald Hill Drain, from which flows for the Bald Hill watercourse will be taken. This clearly represents a significant threat, not only to the highly valuable Bald Hill Watercourse but also the Henry Creek, as flows from these drains are likely to discharge into this relatively fresh and unique environment.
- The proposed drain will provide a barrier to surface water flow to the wetlands.

Those comments were made in a submission to the ERD Committee in the middle of last year, so we are talking about 15 months on. When you hear or read things like that, it is beyond belief that someone with the title of 'environment minister' introduces legislation to this place to keep alive a scheme that does what is suggested in that submission that was made to the ERD Committee. In her second reading speech, the minister stated:

The completion of the drainage network is essential for meeting the environmental, economic and social components of the [scheme which includes] the provision of freshwater to meet wetlands and threatened species management requirements.

I know that the minister has now visited the area, including the Parrakie Wetlands, and that makes it even harder to understand why the minister is seeking to extend this scheme. Even the USEDS scheme proponents have admitted at public meetings that the best environmental flows they can guarantee—that is, environmental flows of freshwater—will be 60 per cent of what they were prior to installation of the drains. As I said, the minister visited the Parrakie Wetlands recently, to which the Board of the Parrakie Wetlands has followed up with a letter to the minister as follows:

It is only regrettable that, even though your visit was in late winter, the wetlands were drier than anyone can ever remember. On the other hand, this situation would have served to illustrate to you, the dramatic effect of the east-west Fairview drain, to the south of our property, which has cut us off from the major northerly flows responsible for creating the unique West Avenue Watercourse environment. We were, of course, greatly dismayed when your predecessor as Minister for Environment and Conservation, John Hill, endorsed design principles for drainage works on the West Avenue Flat, adjacent to our property, shortly before the last State Election.

I interpose here to say how outraged I was that this occurred. It occurred the day before the election was called, which meant that this decision was not given any sort of spotlight whatsoever. It continues:

In the absence of the former major flows from the south, this flat provides the West Avenue Watercourse with what little 'local' water it receives. The result of the proposed drainage works on the West Avenue Flat, according to the Upper South-East Program Board, which recommended the design principles endorsed by Minister Hill, is that the number of low or no flow years in the West Avenue Watercourse will increase from 3 years in 10 to 4 years in 10. Advice from the Department of Environment and Heritage was 'that, ecologically, this additional dry year remains a significant risk for the biological values of the West Avenue'.

The letter further states:

History already shows that no fresh water wetland ecosystem in the Upper South East has had anything but negative impacts as a result of ground water drainage under the Upper South East Drainage Scheme. For the several 'nationally threatened' and 'nationally vulnerable' species which survive in the West Avenue Watercourse, the consequences are likely to be dire. Their demise would make a mockery of the State Government's recently released Biodiversity Strategy for SA 2006-2016 which states that no more native species will be lost.

This is a scheme which is hydrologist-led and which has been designed in the absence of any good ecological data on the wetlands. It is based partly on greed. A few farmers want more hectares to make more money. It is savagely over-engineered. Members should know three basic points about this scheme. First, this scheme is predicated on a belief that the current period of dryness, tending now to drought in the Upper South-East, is a passing phase. Think about that. The second is that there is absolute division amongst departmental staff about the validity of this scheme. That alone should be causing second thoughts for both the minister and for members in this chamber. Sadly, the minister has not even acknowledged this dissent in her explanation to the chamber for extending the legislation.

Thirdly, the legislation is based on a false belief that the watertable levels in the area are rising when they absolutely are not. I became aware of concerns about this scheme while serving on the ERD Committee. I have twice had the opportunity to inspect the scheme, as a member of the ERD Committee, and I have twice seen a presentation given by officers of DWLBC that argues that the past 30 years of low rainfall in that region is simply part of a cycle. It is most interesting to see how they justify the scheme by rainfall records going back a century, yet the original modelling by Fred Statter for this scheme was based on just four years of records.

Criticisms were made of Statter's modelling back in the 1980s, but they were not heard, or not allowed to be heard. However, whilst I was being driven around from property to property and from area to area by DWLBC officers to inspect the scheme last year, one of the officers admitted to me that, if they had got this wrong (that is, that it was not just a cyclical thing and everything would return to normal), the scheme would be useless. I would go further than describing it as useless and say that it is an environmental disaster in the making. These departmental officers think they know better than international climate change scientists. Our Premier

believes that climate change is a reality for this state—so much so that he is the self-titled Minister for Sustainability and Climate Change. So, how is it that DWLBC officers hold a contrary view to the international panel on climate change and the CSIRO and are supported in this view by the extension of this legislation?

The scientific projections of the CSIRO are that most of this state will become increasingly drier, that Goyder's Line will move southwards (which is a polite way of saying that the current rainfall will decrease). By 2070, the south of the state will experience an average temperature increase of somewhere between 0.6 and 4.4 degrees. Yet, here is a scheme that is draining away precious fresh water as part of what I can only describe in warfare terms as collateral damage.

In question time today, minister Holloway referred to the fact that 2005 was the driest year on record for this state, and it appears that this supports what all the climate change specialists are saying. However, the officers in DWLBC say that it is not going to be that way in the South-East. It appears that climate change is going to happen in the rest of the state, but not in the Upper South-East.

The state government's draft climate change strategy states that a principal objective is to make climate change a central consideration in policy development and decision making. When the minister sums up, I ask her to advise the following: was this legislation put through that filter and, if so, will she tell us about that process; when did that evaluation occur and who had input; and is climate change going to happen in all parts of South Australia but not in the Upper South-East?

I refer to another of the letters that came to the ERD Committee. In their letter, Michael and Janet Allan of Keith say as follows:

> We believe that there is not enough evidence to continue with the scheme as the benefits if any are at a huge cost environmentally and financially and that the on going maintenance will be a burden for future generations. Global warming and falling watertables—

hear those words, 'falling watertables'—

> are causing far more concern to our community than salinity.
>
> There are far more management tools available today than an extensive, expensive system of drains that blight our landscape and will require an enormous amount of money to maintain. Before more drains are constructed we believe that there needs to be a review of the system to clearly identify the benefits and damage these drains have caused.
>
> The government is not treating water as a valuable resource and believe that future generations will look on the drainage system with the same contempt and disbelief as we now view the extensive clearing of native vegetation or the introduction of rabbits by past generations.
>
> We are requesting a detailed review on existing drains before any more drains are constructed.
>
> Please give this issue its due consideration as many generations could be paying for our mistakes.

For more than two years, concerned farmers in the Upper South-East have been calling for a proper, independent and scientific evaluation to determine whether the claims for efficacy of this project are valid, and that letter is just one of them.

So, what is the basis for the Minister for Environment and Conservation's confidence that she is taking this parliament down the right track? When the minister was a member of the ERD Committee, she was unable to inspect the scheme when we visited. Nor was she in attendance on the occasion when the committee heard from officers of the Department for Environment and Heritage who opposed the scheme. Because this scheme is already doing enormous damage in the Upper South-East, when the Hon. Ms Gago became minister I provided her with a copy of that presentation, knowing that she would be expected by the protagonists of this scheme to introduce this bill some time this year.

I will read some of what was in that presentation. Under the heading 'What has DEH learnt during the life of the scheme?', the principal finding is:

> - Groundwater drains have proven unable to deliver the quality and/or quantity of water required to maintain wetland habitat in areas now impacted upon by drainage.
> - Drains have had the following interrelated effects:
>
> 1. When situated near or bisecting wetland vegetation, the drains have had a drawdown effect in the soil profile. While this is intended for agricultural land, the drains do not discriminate as they pass through the landscape and are having a detrimental effect on wetlands.

So there it is: the drains are non-discriminatory. They are supposed to be draining away saline water but, if fresh water is in their path, they will move that as well. The result is degradation of the whole environment.

I will continue with what the minister's own department is saying about these drains. The presentation goes on to state:

> 2. This loss of soil moisture also reduces the ability of the landscape to produce fresh run-off.
>
> 3. Any new surface water flows that are generated above the catchment of drains are now mostly intercepted before they can reach and hydrate the remnant flood plains and wetlands to the west. These fresh flows are lost to the system once they enter the highly saline groundwater drains.

The result of these changes has been (a) reduced frequency and duration of inundation of wetlands and flood plains; (b) loss of the fresh soil water lens that sits above the more saline groundwater but appears to be vital in sustaining many wetland plant species. Then we go down to the summary which states that we need to be able to adapt or reconsider our direction on the basis of new ecological information or understanding.

I personally handed a copy of this DEH submission to the minister in this chamber, and I stressed to her the importance of reading it. I do not know whether she read it. I would be extremely disappointed if she did not. The fact that she has introduced this legislation is an indicator that she may not have read it. But whether she did or did not, knowing (as she did) that some of her departmental officers hold the view that the USEDS program is an environmentally dangerous one, did she seek their advice before deciding to introduce this legislation?

When the minister sums up before the second reading vote, I ask that she advise this chamber whether she did, in fact, seek the advice of officers of the DEH. If she did, why is it that she has chosen to give greater weight to the advice of officers of DWLBC, and ignore the advice of DEH? Why does she think that the DWLBC proponents of the scheme have better knowledge about climate change than CSIRO scientists? What view has the Premier, the Minister for Climate Change and Sustainability, expressed about the USEDS scheme? Does he believe it is consistent with this belief about the damage that climate change will bring to this state? Another letter the ERD Committee received last year came from John and Maxine Burns of Mundulla. They state:

> It is with great concern that we write to you about the management and care of the water systems in the South-East. We have grown up in this beautiful area and, 50 years ago, there was an environmental paradise of wetlands and natural watercourses, and in the summer there was green strawberry clover available for

stockfeed. Today we see a desert in places. The Marcollat drain looks like one along the Kingston Road. We now live in Mundulla and last month we had a new bore put down, as the watertable in the other one had dropped so low the pump was bringing up mostly air—

again, I ask members to note that the watertable has dropped in this particular place—

With all the drains taking the water out to sea, the watertable will drop, as the rainfall could not possibly replace all that, as well as the water that is being used. A bulldozer who was involved in putting some drains in said that some of the water was good, sweet water. What a tragedy. There appears to be more damage done than benefit. We notice the waterholes that had water in most years now are dry and a lot of the big trees along the watercourse have also died. This issue is vital to the future of Australia, particularly to the South-East and western Victoria. In our opinion, all the drains should be filled in and the natural watercourses restored to try and regain the balance of nature before any more of this wonderful area is lost to dry soil and salinity.

This is a scheme that has so many flaws. There is a built-in assumption that all the soil from which the saline water is supposed to be extracted is clay and yet, across the upper South-East, only 40 per cent of the soils are clay. Related to the assumption that all South-East soils are clay, are assumptions about capillary rise of water, but if the soils are not clay then the assumptions about capillary rise will also be wrong. For instance, the Marcollat Flat has porous soil. You simply cannot have capillary rise in porous soil. Much of the area is covered by calcrete, which acts as a barrier to saline water. The process of breaking through the calcrete layer to make the drains exposes the saltwater underneath. In other words, it makes the situation worse.

I return to the DEH submission, which states, under the heading 'DEH perspective on the current process':

The project culture of drain construction and infrastructure development permeates through to the board, making alternative options appear untenable even though excellent opportunities to explore these do exist under other components of the program. A clear assumption of the current process is that drainage construction will occur and that only technical elements of design, that is, depth and location are to be negotiated. Our increasing ecological understanding warning against the impacts of any drainage does not fit in to a process with this built-in bias. The option of not draining and assessing the use of other measures has not yet been seriously investigated.

The ERD committee received submissions opposing the building of more drains from many other individuals and groups. Another land-holding family that contacted us was Frank and Carole Burden, whose property, Camden Park, is at Tintinara. They make the comment that program staff have exaggerated the threat from salinity and the benefits of drainage and ignored many economic and environmental costs.

So, as examples, they actually quote from what the program proponents had said about the Camden Park property. They said that one-third was classified as 'very high to extreme salinity' and 'land is too salty for any productive plants and supports only Samphire, Swamp Tea-tree or similar halophytes' or has a 'bare salt-encrusted surface'. The owners of this land had this to say about that particular observation about one-third of their land:

- Land has been saline for at least 20 000 years, evidenced by extensive gypsum deposits in region, and gypsum surface crusts.

Despite the fact that the program proponents say that this is not good for any productive plants, Frank and Carole Burden told the committee:

- This land was successfully sown to puccinellia about 10 years ago, and supports an average annual grazing pressure of about 5 dry sheep equivalent (dse)/year—district average about 3-4 dse/year for all land types.
- Puccinellia is a very low maintenance pasture (is winter active, no need to spray, withstands extended periods of waterlogging (>3 months), provides dry feed through to autumn break), but—

listen to this—

is dying close to the drain.

The next third of the property, which the program proponents classify as of moderate high salinity is said to be:

. . . too salty for most field crops and lucerne. Halophytes are common (eg Sea Barley Grass, Curly Rye Grass and Salt Water Couch. Strawberry Clover productivity is diminished.

The Burdens say, in response:

This land has been successfully sown to lucerne and veldt grass over the past 4 years, and supports an average annual grazing pressure of about 5-6 dry sheep equivalent (dse)/year.

You have to wonder whether the people from DWLBC who are pushing the scheme know what they are talking about if the people living on this land are able to say, 'We are growing crops on land that you say it cannot be grown on'. The Burdens' comments about the program continue:

- In 2002 only 8% of landholders considered that they had a salinity problem, 32% that had saline soils on their property, and only 6% forecast an increase in salinity over the next 10 years.
- Watertables in the region have been falling—

this is going to be one of my theme songs as I progress—

. . . the area affected by salinity has been contracting since 1993.

This comes from unpublished DWLBC data and Cox from the CSIRO. This was first reported prior to commencement—prior to commencement—of the second stage of drain construction works. Even after allowing for lower than average rainfall in the region, the CSIRO showed that watertable trends were still flat or falling over the majority of years since 1993. Rainfall averages for the region have generally shown a steady decline since 1945 by up to 20 millimetres a decade, a trend projected to continue for at least another 50 years. Of course, we have the DWLBC saying that the current dry is only part of a cycle and that, by about now, we should be getting back to wet. However, here we have evidence that says that it will continue for at least another 50 years. The Burdens make the point that the drains are overdesigned. They state:

Justification for drain network in all official documents has only ever been to control and reverse rising trend in watertables! However, we have always believed that there has always been a strong case for shallow surface drains to manage flooding, in conjunction with revegetation of recharge areas to control rising saline watertables.

They are not saying 'no drains'. They are quite prepared to accept shallow drains. There are certainly some—indeed, the DWLBC—who attempt to categorise people like the Burdens, the Prossers and so on, who are fighting against this scheme, as troglodytes or NIMBYs when this is not the case. There has been a negligible effect on watertables. On 9 September 2002, in test pit 84, prior to the drain being constructed, the watertable was at 80 centimetres. On 3 September 2005, after similar rainfall to that occurring in 2002, the watertable 100 metres from the drain was 72 centimetres. At 200 metres from the drain, it measured 65 centimetres and, from 300 metres away from the drain and beyond, it was at 50 to 55 centimetres.

In other words, the watertables are higher than at the same time in 2002. The drains are not doing what the proponents claim they are doing. Most recently, Frank Burden sent me an email, and he is sending a similar email to other members

of the Legislative Council. However, I will put on record what he says:

I urge you not to support any amendments to the existing Act until the State Government Program it affects has at least undergone an independent technical and economic review, and review recommendations have been implemented. The proposed extension to the Act is more likely a response to poor Program management than a desire to address the issues described by Minister Gago in the Legislative Council on 31 August 2006.

As you may be aware, the Program, in particular the drain network component, has attracted major landholder and government agency criticism since the 270km network was first proposed in the early 1990s. Since then, and illogically, the proposed drain network has grown in length to 655km (and in cost to $45 million), even though earlier predictions on the growth of dryland salinity in the Upper South East turned out to be completely wrong, the benefits of drains had been grossly over-stated, and their environmental and economic costs had been vastly under-estimated.

Contrary to what you might be advised, the Program has never been subjected—

and I stress the word 'never'—

to a rigorous independent review, and the concern of many landholders and some government agencies is that the drains will cause more environmental damage to the Upper South East than they will cure.

The ERD Committee visited Kyeema, a property owned by Susan and Dean Prosser. Malcolm Buckby, who was then an ERD Committee member and a farmer himself and who, as a consultant before getting into parliament, had written a paper for the Economic Development Centre about the Upper South-East, described the Prosser's land as in the best condition of all the properties we visited. The Prosser's land does not have a single drain on it. They are managing any salinity with sustainable farming techniques. The drains will destroy the wetlands on that property and any capacity to farm sustainably.

The Prossers do not want a drain on their land but, under this legislation, it will be imposed upon them. They were devastated by the announcement made earlier this year by former environment minister John Hill to approve the next stage of drain construction. Susan and Dean Prosser also sent a submission to the ERD Committee last year. Again, I will put some of their comments on the record. They state:

We were told that the change in legislation would put a stop to landholder Tom Brinkworth digging drains illegally. Unfortunately we were not told it would take the rights away of individual people. The fact that our knowledge of this land tells us that drainage will cause irreversible changes does not carry any weight in our own homes. We cannot believe that this is happening in Australia.

They then go on to talk about the USEDS group putting an agronomist, Jock McFarlan, onto the program board to represent landholders. This man, Jock McFarlan, never came on to the Prosser's property, but he stated at a meeting that soils on the Prosser's property had 'become moderately to highly saline due to the rising watertable but we will not have a sodicity problem when the drain is in place because our soils are not saline.' The Prossers state:

He also states that, when the water table rises once again, some time in the future, we will have a salinity problem so it is necessary for us to have a drain.

Four agronomists have visited our property over the last 12 months—Rick Jordan (who has been invited to speak at salinity seminars in WA), Tim Prance, Tracey Strugnell and Daniell England. All have stated we do not have a salinity problem. . . In a recent conversation with infrastructure manager Michael Leek, I (Susan) was asked whom I had invited to Minister Hill's tour of 'Kyeema'. I stated several names of people who I had invited.

Now, you would think she might have some say over who she can invite on to her own property to meet the minister. However, she states:

When Pip Rasenburg's name was mentioned he [Michael Leek] recommended strongly that I should not invite Pip and it wasn't in my best interest to have Pip present. Michael suggested he ring Pip to inform her she was not required to be present. I informed Michael that this would not be necessary as I had invited Pip and would discuss with Dean what he had said, then we would make a decision. Shortly after the conversation I received a distressed call from Pip informing me she had phoned Michael Leek about a particular matter and he had told her that her presence was not required at the Prossers. Dean and I were furious at this invasion of our privacy. Are we missing something? Is this not our home? We feel that the boundary lines have been crossed. The program board has taken its liberties too far.

Again, I interpose on what I am reading because this political interference is a mark of the way the officers in DWLBC have been running this scheme, and it included, last year, the removal of Rob Kemp from the project. Suddenly, they decided that there were more important things for him to be doing in the office in town rather than being in the South-East. He filled out the remainder of his contract twiddling his thumbs. Apparently, the minister had decided that twiddling Rob Kemp's thumbs was far more important than Rob being down in the South-East supporting landholders. The Prossers state:

Our neighbours, Louise and Dean Johnson, whose drainage levy amounts to $100 000, have offered their levy to the program board to put towards reinstating the wetlands on Willalooka and not dig a drain.

In other words, they have said to them, 'Hey; we'll pay a levy; we've got no problems with paying the levy provided we don't get a drain.' The Prossers state:

The program board needs to consider the impacts of climate change, especially considering the drier seasons predicted by the CSIRO. This has not been assessed. . . Recently a bird survey was completed with 12 species of birds sited in the wind breaks—

that is, the windbreaks on Kyeema—

including the Flame Robin, which was classed as uncommon. This was fantastic considering the trees are only four years old. 27 species were also sited within the vicinity of the windbreaks. . . These trees will also address any salinity issues. 70 hectares of revegetation to ensure water levels don't rise by controlling the recharge. We continue to be actively planting and renovating to ensure our country remains healthy and to ensure we don't have any salinity issues. The perennial pastures and trees acting as natural water pumps and achieving the same results as an intrusive drain—

here, the Prossers have put this into bold and upper case—

NOTHING GROWING, NO WATER USAGE. We have done everything the EIS promotes except we haven't dug a drain. . . An information booklet from the DWLBC informs us of impact on wetlands from drainage—

and here are the headings—

Reduction in wetland inundation
Reduced freshwater inputs
Observed loss of species
Observed decline in vegetation health.

That is DWLBC information. The correspondence continues:

The flats on Kyeema are very important to the wetlands. The east to west fresh surface flows provide water supplies to the wetlands and help to keep the redgums healthy and indeed combine to form an intricate and complex ecosystem. We have lived here for 30 years and have learnt how this Marollat Flat and watercourse work together. A drainage option on any alignment would interfere with this intricate system and be detrimental to the wetland system. Inundation has never been an issue—

remember that these people have lived there for 30 years—

except in 1991 when man-made barriers stopped the natural flow of water. In fact, we have observed the flats thrive on being very wet, assuring subsoil moisture through the spring and into the summer. The surface water continually moves slowly to the west toward the watercourse.

Reports from Matt Giraudo, PIRSA, Kinhill and Matthew Dowling all state the good health of redgums on Kyeema. Bob Anderson, environmental scientist, has also commented the redgums grow on the high and low levels of our property, which was unusual.

Remember, of course, DWLBC, or the person the department appointed to represent the land-holders, says the Prossers have a salinity problem. The Prossers further state:

The Marcollat Flat has a very valuable freshwater lens which sits on the top of the groundwater table. This freshwater lens, combined with porous limestone soils, forms a very productive agricultural area. Water measuring between 1500 to 2000 parts per million can be pumped from a depth of 10 feet and used for irrigation purposes. The drainage proposal puts at risk this precious resource, which could be lost forever.

The drain proposals are being driven by a few land-holders who are asking for them, even demanding them. Their requests are being complied with, but those who do not want them are not being listened to. In its simplest terms, four land-holders—just four land-holders (Tom Brinkworth, the McGregors, the Rasheeds and the Ratcliffes)—are complaining loudly in support of drains, and they are determining the future for the whole of the Upper South-East. I wonder what 'environmental economic and social benefit', which the minister was talking about in her speech, will come to the Prossers by extending the life of this scheme. With all the evidence we have about this land and climate change, it can only be a negative outcome in the long term.

I have received correspondence from Bill Hardy (Bill is on the board of the Parrakie Wetlands, by the way), who wrote to John Hill, the then minister responsible for this project, in December 2004. I do not know whether he still is, but at that stage he was Chairman of Wetland Care Australia, so he is no slouch and knows what he is talking about. He states:

I am referring to the proposal to establish a drain along the eastern boundary of the Bald Hill (West Avenue) watercourse, including along the eastern boundary of our property, immediately adjacent to the large area of this property covered by a state heritage agreement. My concerns, and those of my fellow directors, are best summed up in the Environmental Risk Assessment report mentioned above, and include:

[3.3] Flow from the Wimpinmerit drain will enter the Bald Hill drain, from which flows for the Bald Hill watercourse will be taken. This clearly represents a significant threat, not only to the highly valuable Bald Hill watercourse but also to Henry Creek, as flows from these drains are likely to discharge into this relatively fresh and unique environment.

[3.4.3-1] The proposed drain will provide a barrier to surface water flow to the wetlands.

In case people are not paying attention, I am reading the EIA that was prepared about this project. In other words, it is the government's position that I am putting here. The document continues:

The proposed drain will intercept the shallow confining layer beneath the watercourse vegetation, thereby causing drought stress in the vegetation by draining the perched aquifer during winter. The proposed drain has the potential to reduce the depth to groundwater beneath the wetlands and thereby potentially increasing the rate of seepage from the wetlands. . . drains oriented on the west of the catchment will generate poor quality flows unsuitable for hydration of the wetlands.

That is what the minister's department said:

The environmental risk assessment report began its recommendations by saying:

The proposed drain immediately adjacent to the watercourse has the potential for significant degradation of watercourse vegetation.

It went on to suggest a complex series of in-drain structures and a demanding management regime for these structures to attempt to avoid this potential degradation. It continues:

Given the tragedy of the large-scale death of native vegetation as a result of similar drainage projects in the nearby Tilley Swamp watercourse and Hanson Tiver of scrub, it seems most ill advised that a drain should be dug adjacent to 'arguably the largest, most pristine area of watercourse in the USE'. Degradation of the Bald Hill (West Avenue) watercourse would also have a tragic effect on biodiversity in the area. Darren Willis, of the Upper South-East scheme, has assessed the biodiversity of the major wetland on our property, Rocky Swamp, and attributed a Biodiversity Score Index (BSI) of 80.2 per cent. At the same time, Darren made the comment that he does not expect to see another score as high as this in the Upper South-East.

In an email that Bill Hardy (who, by the way, is from Hardy wines) sent to me on 5 September he stated:

As a director, shareholder and passionate advocate for Parrakie Wetlands in the Upper South-East, I was delighted to read the official record of your recent comments in the South Australian Parliament on the Upper South-East Drainage Scheme. It is reassuring to know that there is at least one person in SA politics who pays more than lip service to strategies and acts emanating from the current parliament.

I asked whether I could forward his comments to other members of this chamber, and I will be doing so. He said:

By all means, you may circulate my comments to other MPs if you feel that they will help bring about a more reasoned debate on this issue. The threat to the most pristine wetlands in the Upper South-East has been caused by drain digging, notably the Fairview Drain, and it will not be solved by digging more drains on the adjacent West Avenue flat. Nor is drain digging the long-term solution to dryland salinity on agricultural land. I understand that water tables on the West Avenue flat have been falling for nearly a decade and, surely, a more natural solution to prevent them rising is to use deep rooted perennial pasture species and shelterbelts of native tree species.

Bill Hardy obviously was not able to get John Hill, the then minister, to comprehend the enormous damage that this scheme had created and would continue to create. What do we need to do now to get the existing minister to understand this? This land is very fragile. The consequence is that, if you have conservative farming, you have a good farm. However, if you overstock and have poor management practices, you have a poor farm.

James Darling, whose property is Duck Island, is able to farm sustainably with very shallow drains on his property, not the monstrosities that the USEDS scheme is building. He said, in issue 12 of *Salt* magazine:

Salt and its role in the Australian landscape is first and foremost a problem of culture, not agriculture. The Australian landscape suffers from inadequate description. We have not understood landscape processes and we have not given due place and due regard to the make-up, the components, of our many and varied landscapes.

James Darling has shallow drains on his property, which is all that is required. Unfortunately, some of the drains that have been built in other parts of the Upper South-East resemble the Grand Canyon in parts, and extending the scheme will continue to provide a licence for the proponents of the scheme to compulsorily acquire land and install drains willy-nilly, large and small, deep and shallow.

Salinity is an inevitability in the Australian landscape. The Cooperative Research Centre for Plant Based Management of Dryland Salinity says that we need to deal with salt as an issue and not a problem. Much of the Australian landscape effectively has fresh water floating on saline water. The view of the proponents of the USED scheme is that the watertable

is rising and bringing salt to the surface. In fact, the watertable is falling. In the South-East effectively fresh water infiltrates and pushes the saline water down. This scheme is not needed. If action is needed to prevent watertable rise in the future, surely, the solution is the planting of deep-rooted perennial pastures, rotational grazing, recharge management and the strategic replanting of trees and native vegetation.

So much damage has been done over time to land in Australia because we have refused to recognise the nature of the land and the climate. Why can we not learn to live with this land instead of fighting against it? At present showing in Adelaide is an impressive documentary film titled *An Inconvenient Truth*. I saw that film last night. It is about climate change. The former United States vice-president Al Gore made some comments that caused me to dive to my handbag in the dark, grab notebook and pen and take down a couple of comments which I typed up as soon as I got home in case the writing was too illegible and I forgot what it said.

Al Gore tells the viewer that, with all we know about climate change, it would be 'deeply unethical to ignore that evidence and go ahead doing things as we are doing them'; and that future generations will ask us, 'What were you thinking?' I think that, with the knowledge we have, it would be deeply unethical to allow the USED scheme to continue. Should a majority of members of this chamber choose to do so in the face of all the evidence, future generations will ask them, 'What were you thinking?' Few bills introduced to this parliament deserve defeat at the second reading, and this is one of them.

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

RESIDENTIAL PARKS BILL

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

GROUNDWATER (BORDER AGREEMENT) (AMENDING AGREEMENT) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 6.19 p.m. the council adjourned until Wednesday 20 September at 2.15 p.m.