# LEGISLATIVE COUNCIL

**Tuesday 31 October 2006**

**The PRESIDENT (Hon. R.K. Sneath)** took the chair at 2.19 p.m. and read prayers.

## ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Geographical Names (Miscellaneous) Amendment,

Groundwater (Border Agreement) (Amending Agreement),

Murray-Darling Basin (Amending Agreement) Amendment,

Statutes Amendment (Electricity and Gas),

Workers Rehabilitation and Compensation (Territorial Application of Act) Amendment.

## de ROHAN, Mr M., DEATH

**The Hon. P. HOLLOWAY (Minister for Police):** I move:

That the Legislative Council expresses its deep regret at the recent death of Mr Maurice de Rohan, former Agent-General for South Australia in London, and places on record its appreciation of his distinguished and meritorious public service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

I am sure all members were deeply saddened by the passing earlier this month of South Australia's much respected and admired Agent-General in London, Mr Maurice de Rohan. Without peer as our Agent-General, Maurice lost his battle with cancer in a London hospital on 5 October, with his death impacting on so many people across so many different walks of life both in Adelaide and in the United Kingdom. Indeed, London's *Times* newspaper was moved to publish a full page obituary which, in part, read:

Maurice de Rohan brought total dedication to the task of encouraging trade and tourism with his homeland. . . at the same time, however, he immersed himself to the full in many areas of British life, to the point where he was known and admired far beyond the business and diplomatic circles in which an agent-general commonly moves.

As the Premier remarked during the condolence motion for Maurice in the House of Assembly last Thursday, South Australia is immeasurably poorer for his passing.

It is now widely known that the Premier had invited Maurice to become our state's next governor, after the retirement next year of yet another highly respected and admired Australian, Marjorie Jackson-Nelson. The Premier's letter to Maurice asking him to become our state's next governor read:

I have no doubt you would make an outstanding Governor of South Australia, one who would continue Marjorie Jackson-Nelson's exemplary role in building bridges between young and old, between country and city, and reaching out to Aboriginal and multicultural communities. . . You would also, given your business and international experience, assist our state greatly in trade, investment and diplomatic initiatives. . . Your community and charity experience, plus your roles in heritage and history through the Maritime and Cutty Sark trusts, would be of invaluable help to South Australia.

If Maurice agreed, and following the Queen's acceptance, it was the Premier's intention to announce his appointment on Anzac Day next year, with his five-year term beginning on 1 August. Perhaps the ultimate testament to the respect with which Maurice is held is the strong support offered for Maurice's appointment. I am sure everyone in this place would agree that he would have made a fine governor for the people of South Australia.

Maurice de Rohan was born in Adelaide on 13 May 1936 and was educated at Adelaide Technical High School. He graduated from the University of Adelaide in 1960 with a degree in civil engineering and jointly founded the engineering firm Kinnaird Hill de Rohan and Young. The company became one of Australia's largest engineering and planning consultancy companies. In the mid-1970s Maurice moved to London to take up a two year posting as managing director of Llewelyn-Davies Weeks International—a two-year term that became a lifetime. Maurice soon made many friends and established a wide range of contacts in London. He became a founding member of the Australian Business in Europe Organisation and its president in 1982.

Tragically, Maurice's life and growing business career in London took a sudden and profound turn in 1987, when his daughter Alison and her husband died in the Zeebrugge ferry disaster in Belgium. Maurice turned his grieving into positive action, helping to set up the Herald Families Association, which fought for justice for the victims of the ferry disaster and for higher safety standards on ferries. For his efforts to improve maritime safety, Maurice was awarded an OBE in 1992. He was also at the forefront of establishing the Disaster Action charity, which has helped the families of victims of a number of tragic incidents, including the Lockerbie aircraft crash and last year's London bombings.

In 1998 the Olsen government appointed Maurice as South Australia's Agent-General in London, an appointment supported by Labor. He was the perfect business, trade and tourism representative for our state in the UK and beyond and, even after he became ill, he continued to work tirelessly for the good of South Australia. I was fortunate enough to dine with Maurice during my recent ministerial visit to London and, although clearly unwell, he remained positive. He was keen for me to visit his much loved 'narrow boat'. Maurice was very proud of his vessel, but unfortunately I was unable to take the opportunity of a cruise. Hearing of his death just three weeks after that dinner was therefore particularly sad.

Maurice de Rohan's influence and energy in London and the UK stretched well beyond his role as our state's Agent-General. In 2000 he became Chairman of the Cutty Sark Trust, which aimed to preserve the famous ship that sailed between Britain and Australia during the 19th century. Maurice also became a member of the MCC and Chairman of the club's Estates Committee, playing a leading role in the redevelopment of the Lord's cricket ground. The reception following Maurice's funeral on 11 October at St Mark's Anglican Church in London was held at the famous Long Room at Lord's—for cricket fans one of the spiritual homes of the sport. As a further tribute and as a mark of respect for his passion and his role at the MCC, Maurice's casket was allowed to circle Lord's playing field, with all onlookers and Lord's staff bowing their head in his honour—a fitting tribute to an inspirational man.

Maurice was a great fan of sport, particularly Australian Rules football, and he was well known as a one-eyed Port Adelaide Power supporter. He may not have been able to see many games live, but he was fully aware of the club's fortunes by regular deliveries of Power DVDs. I understand he also managed a flying visit to Australia for the last Saturday in September 2004 to watch his beloved Power win

the AFL premiership. Maurice was also a strong supporter of the Port Adelaide Football Club's annual Odyssey fundraiser. He made several trips back to Adelaide for the rally and his regular co-driver, David Klingberg, would usually feature prominently along the Outback routes to the finish line in exotic locations, such as Broome or Sanctuary Cove in Queensland. I am reliably informed that as night fell on the Odyssey campsites, many of the teams would converge on Maurice and David's car for a glass of fine champagne and maybe even some caviar, which had been thoughtfully packed into the car by their wives.

Shortly before he died Maurice de Rohan was made an Officer of the Order of Australia. The presentation was made at a special bedside ceremony, attended by his family and close friends, and he now famously celebrated with a Coopers beer—a dedicated South Australian to the end. This awarding of the AO was just reward for a lifetime dedicated to his family, his state, his country and his adopted home.

It would be remiss of me not to mention Maurice's role in the recovery of Gillian Hicks, the young South Australian woman who lost both legs in last year's London terrorist bombings. Maurice's kindness and compassion for Gillian had no boundaries. He visited her almost every day in hospital, encouraging her to fight on and promising to watch her walk down the aisle using new prosthetic limbs. Despite the grave state of his health, Maurice kept his promise and attended Gillian's wedding not long before his passing.

Maurice de Rohan was a great South Australian and he will be deeply missed. A memorial service for Maurice will be held in the Bradman Room at the Adelaide Oval on 14 November. On behalf of all members of the Legislative Council, I extend my condolences to Maurice's family and friends, particularly his wife Margaret, his son Jonathan and his daughter Julie.

**The Hon. R.I. LUCAS (Leader of the Opposition):** I second the motion on behalf of Liberal members, and I am sure that a number of my colleagues who knew Maurice personally will join in the contributions. The Leader of the Government has very adequately summarised the history of Maurice de Rohan. One of the testimonies to the high regard in which he was held is the number of the contributions that were made to the House of Assembly's condolence motion, where members from both sides of the chamber rose to note and thank Maurice for the hospitality he had shown them and their families at times when they had travelled through London.

Perhaps not being the most renowned traveller of the parliament, I can say that I experienced the hospitality of Maurice de Rohan on only one occasion on a Sunday in London a number of years ago. However, I, too, can attest to the fact that, at any day, at any hour, he seemed to be prepared to go out of his way to provide hospitality to South Australian members of parliament, business people, travellers or those who needed assistance, as has been highlighted by the Leader of the Government and members in another place. On that Sunday, Maurice and his family were very accommodating, and the hospitality for which he is renowned is certainly acknowledged by me.

As a former minister, I did not know too much about Maurice de Rohan until John Olsen, as premier in 1998, proposed his appointment. Of course, I knew a little of his company and background. Over the years, his company has gone through a thousand different name changes; but, essentially, most of us have known of it as some version of its original name, Kinhill—although that name, of course, has disappeared from its current title. We knew Maurice as a successful businessperson; John Olsen, the Hon. Dean Brown and a number of others knew him more personally and believed that his appointment was most appropriate. The fact that so many members and others have spoken so publicly of the work he undertook and the fact that he was not only appointed by a Liberal government but also reappointed by a Labor government is an indication of the esteem in which he was held and a mark of respect for the work he did on behalf of the state of South Australia in London.

Given that Maurice de Rohan was appointed by former premier Olsen, I want to place on the record part of a statement by John Olsen which was published in *The Advertiser*. As we know, John Olsen is now Consul-General in New York. He said in this statement:

> Mr de Rohan was an outstanding Agent-General. He pursued with vigour and focus South Australia's interest in the European market. Maurice's connections opened many doors for South Australian business. His standing and respect within the London commercial community assisted significantly SA interests.
>
> Mr Olsen described Mr de Rohan as 'a man of integrity' and 'always a gentleman'. 'While he had lived offshore for many years, he retained a very close affinity and interest in South Australia, in particular, the Port Adelaide Football Club', Mr Olsen said. 'It was a privilege to know and work with him for South Australia.'

I guess, with tongue well and truly in cheek, a number of us could see the only major fault of Maurice de Rohan was his football interests. Clearly, all members have acknowledged, in both houses, his great love for his football club. I know, as a former minister and indeed even as a shadow minister, on occasions I would run into him when he came back to South Australia to go on the Outback Odyssey, which is a major fundraiser for the Port Adelaide Football Club. David Klingberg, as the Leader of the Government indicated, was a great mate of his, and is another former engineer who does not live far from where I live and, certainly, I know they both looked forward with relish to whatever it was that occurred on these outback odysseys. The Leader of the Government indicated some aspects of what goes on, but I understand that much more goes on during the Outback Odyssey. It was Chatham House rules, I think, Mr President; that is, what occurs on the odyssey stays on the odyssey and is never to be repeated.

So, on behalf of Liberal members and, as I said, in particular, on behalf of former Liberal members such as former premier John Olsen and I know I would be speaking on behalf of other Liberal members who are no longer in the state parliament but who experienced the hospitality and assistance of Maurice de Rohan, I pay tribute to the magnificence of the work he undertook, his community public service before his role as Agent-General and his public service as Agent-General, and we express our condolences to his family, friends and acquaintances.

**The Hon. G.E. GAGO (Minister for Environment and Conservation):** I also stand to support the motion. The story of Maurice de Rohan, although filled with achievement and distinguished public service, is sadly a story of what could have been. As the choice for South Australia's next governor, he certainly had my full support, and I was extremely confident in what I believed he would bring to that important role. To be perfectly honest, I was certain that we as a state were entering an exciting new phase in our global identity. Having said that, there is no denying that Marjorie Jackson-Nelson has been one of the best governors this state has seen,

and her contribution to public life has been immeasurable. Her public profile, her many successes as one of the country's greatest athletes, and her tireless work have all brought great distinction to our state.

Her replacement-to-be did not have the same public profile. In fact, he probably was not known to the majority of South Australians but, having called him a friend, I can honestly say that this state has lost one of its true champions. It was really through my husband Peter that I got to know Maurice. Having spent many years travelling the world in relation to his role as a winemaker, Peter came to know Maurice quite well and considered him a close friend, but I will come back to that shortly because I think it is worth knowing a bit more about the man himself.

His history is one that put him on an inevitable path to public life. He was schooled at the University of Adelaide, graduating as an engineer, as we have heard, in 1960. Maurice was never going to be a shrinking violet or a small-time achiever. At 23 years of age, he jointly founded, as we know, the engineering firm of Kinnaird Hill De Rohan as a partner, and later became the company's director. That is not bad, considering many people at that age today are still living at home with their parents. The company expanded to become a player on the national stage, and in the mid 1970s Maurice spent several years in London and became the founding member of the Australian business in Europe.

As the years rolled on, he took on even greater importance in the European community. Maurice was on the road to public office, even though he did not know it, because he was ambitious, while never at the expense of his fellow man. Maurice knew the true value of respect and, consequently, everyone I know who was touched by his life remembers Maurice as a very generous, respectful gentleman. He was successful, but by no means did he lead a charmed life. His daughter Alison, who was 27 at the time, and her husband were among the 192 people lost in the 1987 ferry disaster off the Belgian coast, and the tragic irony is that it was this shocking loss that tipped the scales and drove Maurice into dedicated public service.

The loss of a daughter, for almost anyone, would be enough to send your life careering off the rails, but Maurice managed to recover and, with others, set up the Herald Families Association with the aim of achieving justice for the victims and improving ferry safety. In 1991, his diplomatic skills took another step forward after he founded Disaster Action, a London-based independent advocacy service established for survivors and people bereaved from major disasters. The recent London bombings were a test for this organisation but, according to media reports and from what I have heard from those who knew him at this time, his work has been instrumental for many who suffered from those terrorist attacks. It was his advocacy for those who had suffered pain and anguish through major disasters and his connections within the business community that would eventually lead to his being appointed the state's chief advocate in London.

His appointment, which was by the Olsen government, was the right choice, because only a man who is truly passionate about South Australia could have thrived in this really challenging role. Business may have taken him to London, but his heart was very much still here in South Australia with us. Whether it be as a tourist destination or a centre for learning, culture or local wine, Maurice used every opportunity to sell the merits of his home state. As my husband Peter tells me, he was never shy about ensuring that local wine was on the menu at as many official functions as possible. I know personally of the work that Maurice did in his role as Agent-General to raise this state's profile. He was certainly a larger than life character and a very true South Aussie. That is why I am convinced that he would have made a truly exceptional governor.

The news of his passing at 70 years of age has hit many people very hard, because he did have so much ahead of him. I know that is a bit of a cliche that is thrown about all too easily, but Maurice was a very approachable and affable character. He may have been a senior diplomat as South Australia's Agent-General in London, but Maurice was genuinely down to earth. I understand that he was a self-made man. He started his working life as an apprentice boiler maker and attended night school in an effort to win his chance to study engineering at the University of Adelaide. As we have heard, he was a dyed-in-the-wool Port Adelaide supporter and a passionate cricket fan. Such were his leadership abilities and the respect that he commanded amongst his peers both here and in London that he was the only Australian member of the board of the MCC which, as we know, is an extremely prestigious appointment.

Such was his passion for this state that I like to think that, if Maurice could have had one more day, it would have been here in South Australia with his family, whether at the Adelaide Oval watching cricket or at Alberton cheering on his beloved Port Adelaide Magpies. I am sure a homecoming would have been the perfect send-off for this great ambassador here in South Australia. He was one of the world's true gentlemen: generous, outgoing, warm and, above all, quite selfless. His ability to turn personal tragedy into a positive and his own will to succeed have no doubt raised the profile of his home town of Adelaide and home state of South Australia enormously. He will be missed but not forgotten, and I think I speak for all when I say that our thoughts are with his family and his close friends.

**The Hon. R.P. WORTLEY:** I did not know Mr de Rohan personally, but I knew of him; and I do know that after a person's life is read out three times through these condolence speeches it does get a bit mundane. But out of respect for a great South Australian I would like to say a few words. Mr de Rohan was a gentleman who cared deeply for people and a gentleman whose greatest gift was his generosity that touched the lives of so many people. I express my deepest regret at the passing of Mr de Rohan after losing his battle with cancer on 5 October this year. I express my heartfelt condolences to the late Mr de Rohan's family and friends, especially his wife Margaret, son Jonathan and daughter Julie—how proud they must have been of the many high achievements he accomplished during his life.

South Australia's late Agent-General Maurice John de Rohan was born in Adelaide on 13 May 1936 and was educated at Adelaide Technical High School. In 1960 Maurice graduated from the University of Adelaide with a degree in civil engineering. He went on to become a joint founder of the firm Kinnaird Hill de Rohan and Young, which became one of Australia's largest engineering and planning consultancies. After his success in the joint venture between Kinhill and Llewely-Davies International, Mr de Rohan spent two years in Britain to restructure the business. He became a founding member of Australian Business in Europe and was made director in 1978.

Maurice's many business achievements were overshadowed by the devastating death of his beloved daughter Alison

and his son-in-law Francis Gaillard in 1987. Their tragic deaths were a consequence of a ferry disaster in Belgium. The death of his daughter was a turning point in Maurice's life. He became involved in the development of many charities that would benefit and create awareness of the need for higher standards of ferry safety and support services, including the Herald Families Association and the charity Disaster Action in 1991. Maurice remained chairman of Disaster Action until October 2005.

Maurice de Rohan would have made an outstanding Governor of South Australia. His successful business ventures in Britain enabled him to open many doors for other South Australian businesses and individuals. His dedication and contribution to this state was enormous. Maurice had been living in London for 20 years when it was announced that he would become South Australia's new agent-general. His successful business experience in London made Mr de Rohan an ideal choice for such a role—which leaves little wonder why so many people agree that he was widely regarded as the greatest agent-general South Australia has ever had.

Maurice was more than an engineer, businessman and humanitarian. He was a man of great taste. As noted in this chamber in previous speeches, he was a great one-eyed Port Power man. He was a wise man to support such a fine football club. It is said that he regularly received and watched DVDs of Port Power games and that he even travelled to Adelaide on a number of occasions to see Port Adelaide play Adelaide; and of course Port Adelaide's big grand final victory in 2004. Sport, especially cricket, was an important part of Maurice's life. Maurice was a prominent member of the Marylebone Cricket Club and used his position as chairman of the MCC Estate Committee to encourage the major redevelopment of the Lord's cricket ground.

Maurice was chosen to succeed Marjorie Jackson-Nelson as the next governor of the state, and it is an incredible shame that Maurice did not have the opportunity to become the next South Australian governor. It was an even bigger shame that the South Australian community did not experience first-hand his passion for this state. I am pleased that this great man who has supported so many throughout his life was awarded an Order of Australia Medal before his passing away. He celebrated with a great South Australian beer, Coopers.

Maurice de Rohan will forever be remembered as a true ambassador of South Australia and, although I did not know him personally, his contribution to this state shall never be forgotten. His sad passing is a great loss to South Australia and the British public and business world. He was a man of many achievements: he was a loving husband and proud father; appointed Agent-General in 1988; MCC chairman; a successful businessman; he helped to establish the Herald Families Association; he was chairman of the Disaster Action charity; chairman of the *Cutty Sark* Trust Charity; a member of the Maritime Trust of Britain; leader of the Australia Day Foundation; and in 1998 he was awarded the honour of being a Freeman of the City of London. He was presented with the Order of Australia in his hospital bed. He was chosen as governor of South Australia. Most of all, he was a South Australian ambassador. He was a man who was able to bring together people from diverse backgrounds and get the best out of them. He will be forever remembered for his work as the Agent-General for South Australia.

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** In rising to make a contribution to this debate, it is not possible to avoid repeating a number of things that have been said before in this place, in the other place and in the public domain. Maurice de Rohan was a true gentleman, a perfect host and a great adviser to any businessperson or political leader visiting London. Several years ago, I had the great pleasure of meeting him during a visit to London while leading a delegation of rural women to Spain. In my capacity as the then convenor of the Premier's Food Council, he organised visits for me and a departmental officer to several supermarkets throughout London.

There are few South Australians who can be recognised for the breadth of their contribution to their community and the business world. An accomplished businessperson, he had enormous credibility as an ambassador for trade with and investment in South Australia. His contacts in the UK and Europe were vast and high level. As we have heard, his activism in establishing support bodies for families fighting for improved ferry safety, following the tragic loss of his daughter and son-in-law in the Zeebrugge ferry disaster, led him to become a champion of maritime safety. Indeed, I understand that he was awarded an OBE for his work in this regard. He was also a very respected member of the MCC and, given his role at Lord's as Chairman of the Estates Committee, it is widely acknowledged that the ground owes much to his engineering experience and energy.

Maurice de Rohan was respected by South Australians living in London and the UK, and it is testament to his commitment to his role and our state that he took it upon himself to assist so many young South Australians, including many in dire need. I am proud to associate myself with this motion and place on the record my deepest sympathies and condolences to Maurice's family, especially his wife, Margaret, his son, Jonathan, and his daughter, Julie.

**The Hon. J.S.L. DAWKINS:** I rise to support the motion. I had the great privilege of meeting Maurice de Rohan on two occasions: first, in 2000, when I was a delegate from this parliament to the Commonwealth Parliamentary Association Conference in the United Kingdom and visited Maurice with the then Speaker of the House of Assembly (Hon. John Oswald); and I also met him a little over 12 months ago when I was in United Kingdom. On both occasions, his hospitality and friendship were boundless. I think that he was always pleased to greet people from his home state and to do what he could to make them feel at home in London and in the UK.

He was a great ambassador for South Australia. When I was in London, he took great delight in giving me an example of the numerous occasions on which he was able to get small items about South Australia (and they were small) printed in one or other of the many London newspapers. I think that most people here know how difficult it is to get the London press to print things about this small state. However, Maurice used his contacts and wit to ensure that little stories were printed, and he had just achieved that when the first test of the Ashes series was played.

He also worked very closely with the other state agents-general. I think that in earlier days there was enormous rivalry and that sometimes the relationship had been fairly ordinary. However, Maurice worked very hard to work together with the other state representatives in London. We have heard that he was a passionate supporter of the Port Adelaide Football Club, particularly the Power, and also, of course, originally the Magpies. As we have been told, each week he eagerly awaited a copy of a DVD which a member of Port Adelaide Power management (at that stage, Brian

Cunningham) made sure was despatched to him after every Port Power match. Of course, we have also heard about his involvement on the board of the MCC.

The other thing I would like to put on the record here is that he was very proud of the fact that he was Agent-General of South Australia, not just Adelaide; he was very interested in what was happening in the regions of South Australia. When he came back here and could visit those regions he would do so. I know that he had planned quite a significant tour of the regions, including the Riverland, but, due to his ill health, this did not eventuate. In closing, I express my deepest sympathy to Maurice's family.

**The Hon. R.D. LAWSON:** I wish to associate myself with this motion and support it. Maurice de Rohan was an outstanding South Australian and a wonderful gentleman, and it is only right, in my view, that the council should acknowledge his service to the state through this motion.

Members have commented on his legendary hospitality in London, and his diligent pursuit of the interests of South Australian citizens and businesses in London and Europe. He fulfilled his role as an ambassador for our state in the United Kingdom and Europe in an exemplary way. My own personal contact with Maurice de Rohan was not when I called on him in London but when he called on me in Adelaide on a number of occasions. It was his practice to call on ministers to ascertain what he could do to advance various issues. This is a wonderful example of Maurice de Rohan's approach: he was not merely a reactive representative for our community but a proactive one who sought out South Australian interests. I extend my condolences to his family.

**The Hon. B.V. FINNIGAN:** I rise to support the motion of condolence in respect of the late Mr Maurice de Rohan, an Officer of the Order of Australia and a recipient of the Order of the British Empire. I did not have the privilege to meet Mr de Rohan myself but, having heard the contributions today and other public statements about his life, I certainly wish that I had. I have often heard accounts of his hospitality from ministers, members, advisers, and others who had contact with Mr de Rohan over his years as Agent-General.

The late Mr de Rohan was a very proud South Australian. He was educated locally at the Adelaide Technical High School and the University of Adelaide, graduating in engineering. He showed a great interest in and a love of education. He fostered our tertiary education sector by hosting (as Agent-General) a number of functions for graduates and encouraging study at the South Australian universities. This was something that he made very much part of his work.

Mr de Rohan's work cut across a great variety of fields; one being in the area of cricket, about which we have heard quite a bit. Something Mr de Rohan and I would have had in common was a great love of cricket, although as a player I could never quite adjust to defending myself with a small piece of wood while someone hurled projectiles at me. However, I love the game and I certainly wish that I could have made the sort of contribution—

**The Hon. R.P. Wortley:** You need a bigger bat.

**The Hon. B.V. FINNIGAN:** The Hon. Mr Wortley suggests I need a bigger bat—I am a bigger target, I suppose. Mr de Rohan made a great contribution to the game of cricket. He joined the Marylebone Cricket Club (the home of cricket) in 1986 and served as the chair of its Estates Committee. Upon his death a tribute to Mr de Rohan was paid by the MCC with the chairman, Mr Charles Fry, saying:

> Maurice made a huge contribution to the club—and to Lord's. On project after project, he played a key role in ensuring that the work was done on time, on budget and to the highest possible standards. His legacy is all around us and will benefit everyone coming to Lord's for many, many years to come.

In the course of that work for the MCC he was involved in quite a few of the extensive projects and events that have gone on at Lord's in recent years.

As has been mentioned, Mr de Rohan suffered a personal tragedy with the loss of his daughter and son-in-law in 1987, but he was able to work with others to set up an organisation, Disaster Action, to assist people who find themselves in such tragic circumstances in the future. I would like to note what the Home Secretary of the United Kingdom, the Right Honourable John Reid, said to the House of Commons in October when he paid tribute to Mr de Rohan. He said:

> He brought together people affected by a series of tragedies in the late 1980s out of which sprang the charity Disaster Action, which has provided an important advocacy and advisory service, giving voice to the survivors and the bereaved of major disasters and contributed significantly to the debate on corporate manslaughter.

As others have mentioned, Mr de Rohan was instrumental in assisting the victims of tragedies, including the London bombings of recent times.

Mr de Rohan was best known for his work as Agent-General for South Australia, and played a key role in the ongoing promotion of South Australian produce—especially our wine and beer industries. His passing was noted by the Australian Wine and Brandy Association, which said:

> Mr de Rohan was an energetic and tireless supporter of the South Australian wine industry and deserves acknowledgment for his contribution in raising the profile of South Australia and the entire nation in the UK, Australia's largest wine export market.

The UK and Europe are growing and important markets for South Australian and Australian wine, and I am sure that Mr de Rohan was pleased with the role he was able to play in improving our standing and sales within those markets.

Mr de Rohan made a great contribution to commerce generally, and I note the obituary from the Australian Swiss Chamber of Commerce and Industry which was written by, I think, his nephew. He described Mr de Rohan as:

> . . . an extraordinary man, with great energy, and the foremost advocate of South Australia in Europe. His integrity was renowned and provided him with entree into the highest political and business circles in Britain and Europe.

It was noted that he had a large number of distinguished visitors—including the former prime minister of Britain, John Major—to his hospital bed.

I think it is worth noting the recent work that Mr de Rohan did in promoting migration to South Australia, which some have likened to the old 'Ten Pound Pom' campaign of some years ago. Mr de Rohan was assiduous in promoting South Australia as a destination for skilled migrants and for those wanting to make a contribution to our community, and I would like to read out what he said on ABC Radio regarding a 2004 story that said that 'South Australia throws out the welcome mat to Britons.' In relation to there being competition between South Australia and the other states, Mr de Rohan said:

> There's always competition. I mean, Sydney is Australia's gateway, and it's my view we're fortunate enough to have that—a sort of great city as a gateway. . . What we're hoping is that this will redress the balance a little and give an incentive to people to think

about South Australia, and once they start looking at it, we think we'll do all right.

I think it very much sums up the attitude that Mr de Rohan had in representing South Australia when he said that by promoting South Australia 'We think we'll do all right.' I am confident that will be the case as long as we have South Australians like Mr de Rohan prepared to make a contribution. I join with other members of the council in wishing him eternal rest and expressing our condolences to his wife Margaret and his two children.

Motion carried by members standing in their places in silence.

*[Sitting suspended from 3.06 to 3.20 p.m.]*

## AUDITOR GENERAL'S REPORT

**The PRESIDENT:** I lay upon the table the report of the Auditor-General and the Treasurer's financial statements 2005-06, parts A and B. I also lay upon the table supplementary reports of the Auditor-General concerning agency audit reports 2005-06.

## PAPERS TABLED

The following papers were laid on the table:

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

- Reports, 2005-06—
  - Art Gallery of South Australia
  - Capital City Committee Adelaide
  - Disability Information and Resource Centre
  - Jam Factory Contemporary Craft and Design
  - Legal Practitioners Conduct Board
  - Legal Practitioners Disciplinary Tribunal
  - South Australian Museum Board
  - The Legal Practitioners Education and Admission Council
- Witness Protection Act 1996—Report, 2005-06
- Regulations under the following Acts—
  - Controlled Substances Act 1984—Cannabis Offences
  - Fair Work Act 1994—Declared Employer
  - Harbors and Navigation Act 1993—Boat Havens
  - Passenger Transport Act 1994—Enhanced Passenger Safety
  - Petroleum Products Regulation Act 1995—Environment Protection Authority
  - Workers Rehabilitation and Compensation Act 1986—Medical Practitioners
    - Scales of Medical Charges

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

- Reports, 2005-06—
  - Adelaide Cemeteries Authority
  - West Beach Trust
- District Court of Mount Barker—District Wide Heritage Plan Amendment Report
- Tatiara District Council Heritage Plan Amendment Report
- Regulations under the following Acts—
  - Development Act 1993—
    - Adelaide Park Lands
    - Technical

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

- Reports, 2005-06—
  - Adelaide Convention Centre
  - Adelaide Entertainment Centre
  - Chicken Meat Industry Act
  - Dairy Authority of South Australia
  - South Australian Tourism Commission
  - Veterinary Surgeons Board of South Australia.
- Regulation under the following Act—
  - Fisheries Act 1982—Rock Lobster Quota System

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

- Physiotherapists Board of South Australia—Report, 2005-06
- Regulations under the following Acts—
  - Adelaide Park Lands Act 2005—Management Strategy
  - Liquor Licensing Act 1997—Dry Areas—
    - Adelaide
    - Salisbury
    - Spalding.

## BELAIR NATIONAL PARK

**The Hon. G.E. GAGO (Minister for Environment and Conservation):** I seek leave to make a ministerial statement about Belair National Park.

Leave granted.

**The Hon. G.E. GAGO:** The Belair Entry Precinct project of the Belair National Park is phase three of the major ongoing upgrade of the park that began with public consultation to develop a management plan. I am advised that a public consultation process was undertaken in 2000 and 2001, with a number of advertised community meetings as well as a call for public submissions on the management plan. The entry precinct upgrade is part of the resultant improvements to the park, which are costing more than $5 million and are aimed at preserving its heritage values and improving facilities for the 300 000 people who visit it every year.

I am advised that, during the design of the entry precinct, groups consulted included the City of Mitcham, the Department for Transport, Energy and Infrastructure, Friends of Belair, Friends of Old Government House, DEH Southern Lofty Consultative Committee and the SA Tourism Commission. Last night, in response to community concerns about the entry precinct design, a public meeting was convened by the Blackwood Belair District Community Association. The meeting was called to discuss a new entrance road and its impact on the Playford Lake. I am advised that the meeting was attended by somewhere between 200 and 400 people and real concerns were expressed about the road route. Following concerns expressed at that meeting, I have this morning asked for the work to be delayed to allow for more public consultation on the project. Although supportive of the proposal to upgrade the park, residents at last night's meeting clearly were concerned about the impact of the road on the ambience and enjoyment of the lake.

In line with the motion carried by the meeting, I have requested that the chief executive of the Department for Environment and Heritage establish a working group comprising community members and park staff. This group will review the current plan and advise on any amendments needed. Any proposed changes will also be subject, of course, to consultation. I am keen that the upgrade to our flagship national park is supported by the public and local residents. Belair National Park is a state heritage area and is special to the whole of the Adelaide community, being just 13 kilometres from the Adelaide city centre and steeped in our natural and colonial history. I am pleased that community members have demonstrated their interest in the future of the park by attending the meeting, and I look forward to receiving any proposed amendments.

### MURRAY RIVER WATER ALLOCATIONS

**The Hon. G.E. GAGO (Minister for Environment and Conservation):** I lay on the table a copy of a ministerial statement relating to further likely River Murray water allocation cuts made in another place by the Hon. Karlene Maywald, the Minister for the River Murray.

### MENTAL HEALTH

**The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. G.E. GAGO:** On 26 September 2006, in response to a question from the Hon. Michelle Lensink, I said that the South Australian government's contribution to the COAG National Action Plan on Mental Health was $116.2 million over four years, including $50.1 million of new additional recurrent funding. That was my advice at the time. I have since been advised that the South Australian government's new funding contribution is $50.8 million over four years, comprising:

- $19.94 million for the GP Shared Care and Healthy Young Minds Initiative;
- $6.05 million for the Every Chance Every Child home visiting program;
- $23.3 million for Early Childhood Development Centres, including $10.3 million recurrent and $13 million in capital funding;
- $1.5 million to transition to a new model of care for the mental health facilities opening at the Repatriation General Hospital and Flinders Medical Centre. These funds have been recently allocated by the Department of Health out of the additional resources announced in the state budget.

This brings the total committed by South Australia to $116.9 million over the four-year period. The department will shortly advise the commonwealth of these post-budget figures. We will also advise the commonwealth of any other initiatives as they occur over the five years of the plan, particularly given that the South Australian budget only provides estimates in four-year cycles.

## QUESTION TIME

### MITSUBISHI MOTORS

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make an explanation before asking the Leader of the Government questions about Mitsubishi.

Leave granted.

**The Hon. R.I. LUCAS:** Last week in the estimates committees, Treasurer Kevin Foley was asked a series of questions as to whether a $35 million corporate assistance package, paid by the state government to Mitsubishi, would have to be repaid in the event of any manufacturing plant closure by Mitsubishi in South Australia. *Hansard* records Treasurer Foley's response on 24 October as follows:

> Under the existing loan agreement the state government has advanced $35 million to Mitsubishi out of the potential total of $40 million. . . We have a parent company guarantee against our advance, and it would be repayable should Mitsubishi no longer continue to operate in South Australia.

As a result of that, and discussions with various media outlets, a number of press reports were published. First, *The Australian* published a story by Verity Edwards and Robert Wilson under the heading 'Secret plant shutdown plan flawed, says Mitsubishi' as follows:

> South Australian Treasurer Kevin Foley said there would be 'no more money' from the state and federal governments, and that Mitsubishi would have to pay back $30 million in subsidies if it were to close. Mr Foley said he would be 'extremely angry' if he had been misled about the car company's plans.

Another story, published on 29 October in the *Sunday Mail*, amongst a number, was by Mike Smithson entitled 'How our dollars drive car plants'. In part, Mr Smithson's story is as follows:

> To be fair to Holden, Mitsubishi has already enjoyed $30 million of State Government assistance, which must be paid back if the plant closes.

It is clear from that that the Treasurer, speaking on behalf of the government, has indicated that $35 million (I am not sure why the press reports refer to $30 million) of money given by the state government to Mitsubishi would have to be repaid in the event of a plant closure by Mitsubishi.

I remind the Leader of the Government that, on 24 May 2004, he told the Legislative Council that Mitsubishi would not have to repay the $35 million of funding. In *Hansard* of 24 May 2004, minister Holloway is quoted as saying:

> The government will not seek repayment of the $35 million already paid.

The Treasurer indicated during estimates last week that the money would have to be repaid and various media outlets have stated that the money would have to be repaid, but the Leader of the Government has told the parliament that the money would not have to be repaid. My questions are:

1. Who is telling the truth on this issue: Treasurer Foley or the Leader of the Government in the Legislative Council?
2. Did the Leader of the Government mislead the council on 24 May 2004 when he told the council that the government would not seek repayment of the $35 million already paid?

**The Hon. P. HOLLOWAY (Minister for Police):** Any advice I gave the parliament at the time would have been based on the advice that was available.

**The Hon. R.I. Lucas:** You deceived the council.

**The Hon. P. HOLLOWAY:** No, I do not concede that at all. The Treasurer has responsibility. In fact, he was responsible for negotiating the original arrangements with—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Let me repeat for the benefit of the Leader of the Opposition: the Treasurer was responsible for negotiating that original arrangement and he now has ministerial responsibility. I will seek clarification of the statement made by the Treasurer (who is now also Minister for Industry and Trade) during estimates, and I will look at the answer that was given well over a year ago, because we know from questions asked by the Leader of the Opposition that one always has to look very carefully at the fine print as he is a great one for interpreting—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Well, we need to look at the context in which that statement was made. I will have a look at the answer and, of course, check with my colleague the Treasurer, who now has ministerial responsibility for that area, and come back with an answer. However, I certainly do not concede that there has been any misleading in relation to that matter.

**The Hon. R.I. Lucas:** But you have to.

**The Hon. P. HOLLOWAY:** Well, no, I don't at this stage. As I have said, it is all very well for the Leader of the Opposition to tell us what has been said. What I do know is that there have been a number of examples in the past where opposition members have come into this place and quoted things that subsequently have not been proven to be correct. I will have a look at the answer that was given 18 months ago and the context in which it was given and come back to the honourable member shortly.

**The Hon. R.I. LUCAS:** I have a supplementary question. Does the minister accept that, if he misled the council two years ago on this issue of the $35 million loan, he will have no choice other than to resign?

**The Hon. P. HOLLOWAY:** No, I do not accept the premise of the question that I have in any way misled the council. Any advice I have given to this council would be the advice I was provided with at the time. I certainly do not concede—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** As I have said, I will look at the statement that was made 18 months ago. However, one thing I do know is that you can never believe anything the Leader of the Opposition says about what may or may not have transpired. I do not have a copy of what was said 18 months ago, and, for that matter, nor do I have a copy of what the Treasurer said more recently, but I will have a look at the two and come back—

**The Hon. R.I. Lucas:** You're not interested in $35 million?

**The Hon. P. HOLLOWAY:** Not interested in $35 million? I get asked lots and lots of questions in this parliament. I do not keep copies of answers I gave 18 months ago. As I said to the honourable member, I will go away and have a look at the Treasurer's answer and I will provide him with a response.

**The Hon. R.I. LUCAS:** Sir, I have a supplementary question. Is the Leader of the Government raising the prospect that the Treasurer of the state, last week in estimates committees, may have misled the council in relation to the issue of whether or not the $35 million provided by his government to Mitsubishi has to be repaid?

**The Hon. P. HOLLOWAY:** No.

## BELAIR NATIONAL PARK

**The Hon. T.J. STEPHENS:** I seek leave to make a brief explanation before asking the Minister for Environment and Conservation questions about the redevelopment of Belair National Park.

Leave granted.

**The Hon. T.J. STEPHENS:** In what has now become known as the 'Belair backdown', or 'backflip', the Minister for Environment and Conservation was shamed last night into halting work on the proposed new road around Playford Lake at Belair National Park. The minister was forced into holding back further proposed works on the road after hundreds of people attended a community meeting last night and voted against the new entry redevelopment proposal. Many in the community expressed their disappointment at the lack of public consultation by the government, and the local community association called this meeting in a last-ditch effort to have the government hear their concerns.

However, only a few weeks ago in this place—in fact, on 28 September—I asked the minister whether there was to be a broad and public consultation process prior to any redevelopment of the Belair National Park. The minister's response (which I will quote directly from *Hansard*) was as follows:

> As members can see, the work that has been planned and also the work that has been completed has been based on extensive consultation with the public and public involvement.

My questions to the minister are:

1. Can she explain, if this is what she refers to as extensive consultation, what, in her opinion, constitutes inadequate consultation?

2. How has the minister got it so wrong, and what will she do to provide a proposal where the public's concerns can be properly addressed?

3. Will the minister admit that she misled the council by stating that extensive, adequate consultation with the public has taken place when, clearly, that has been shown not to be the case?

**The PRESIDENT:** The minister will ignore some of the opinion that was expressed when answering the question.

**The Hon. G.E. GAGO (Minister for Environment and Conservation):** Thank you, Mr President. It is truly pathetic, is it not? I can barely bring myself to get to my feet. I have given a ministerial statement, and I have clearly outlined all the issues that the honourable member has raised in relation to consultation—

*The Hon. T.J. Stephens interjecting:*

**The PRESIDENT:** Order! The honourable member might want to listen to the answer.

**The Hon. G.E. GAGO:** He obviously did not listen the first time. I am happy to outline that, in relation to the design of the proposed new entry, groups consulted included the City of Mitcham, the Department for Transport, Energy and Infrastructure, Friends of Belair, Friends of Old Government House, the DEH, the Southern Lofty Consultative Committee and the SA Tourism Committee. A number of general public information sessions have been made available, and I understand that they have been advertised in the local paper.

I believe it is important that we get this right. This government is spending a lot of money—over $5 million, in a three-stage plan—on this park. It is an important park. It is our most popular park in South Australia. It is visited by over 300 000 people a year, and it is most important that we get this right. Although considerable consultation has occurred, some of that was a while ago. The early plans were released a couple of years ago, so they have been out there in the public arena for some time. However, clearly, as the stages have been worked through and this part of the plan has moved closer to construction, people's attention has focused on it—and rightly so, and I am very pleased for that to happen. I am very pleased to have the opportunity to make sure that we get this right.

The new entry part of the proposal, I believe, involves about $1.5 million, and it is important that we get it right. I am very pleased to have this work put on hold whilst a group is formed. As I have stated already—the honourable member clearly was not listening—this committee will consist of members of the public, as well as park staff members. I will be very pleased for them to review the plans for that stage of construction and to receive any amendments or recommendations from them.

## GLENSIDE HOSPITAL

**The Hon. J.M.A. LENSINK:** I seek leave to make an explanation before asking the Minister for Mental Health and Substance Abuse a question about the Cedars in The Glen wards of Glenside.

Leave granted.

**The Hon. J.M.A. LENSINK:** In recent weeks, I have been contacted by several constituents in relation to the Cedars in The Glen wards and closures thereof. The Cedars Downie House, which is a six-bed ward, was temporarily closed over Christmas. Now that it has been closed permanently, patients are being admitted to Rosewood. The Glen (which was raised in estimates last week) is a 24-bed facility and some of its patients are involved in the Returning Home project. Last week, the minister advised that it is 'not scheduled to close in 2007'. The concerns that have been raised by these constituents are as follows: first, the staff of the Cedars were not even advised of its closure until the day it closed; and, secondly, the timetable for closure of The Glen will take place before all the community rehabilitation centres are operational, leading to a shortfall in rehabilitation and/or extended care beds. My questions are:

1. Will the minister verify whether these are the facts?
2. Does the government have an orderly plan for rehabilitation extended care beds and ward closures and, if so, will the minister outline to the parliament exactly what that is so that we can advise our constituents in future?

**The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse):** In relation to this ward, as I am sure the honourable member already knows because I have responded publicly to this matter, it was temporarily closed. It is about patient management and movement. Patients are moved and shifted around and units are opened and closed according to the needs and numbers of patients and also available staff. This is not an unusual occurrence. It happens regularly and it has been happening for some time and, no doubt, it will continue to happen. In relation to this ward, following full consultation with the clients concerned and their families, the six patients in the Cedars Ward were transferred to other part full wards in Glenside to ensure efficient staffing.

There has been no change to the care of or the teams treating these clients. As I said, this is quite normal procedure. Wards are always being reconfigured to best suit patients and also staffing according to the variations in and types of admissions. Despite the opposition's claims at the time—and, in fact, quite to the contrary—there was no reduction in mental health services in the system. In fact, we have increased services with the opening of Margaret Tobin and the soon to be opened Repat, but I am happy to speak about that a little later in my answer.

It should be noted that the 30 geriatric patients at Glenside will transfer very shortly to the purpose-built mental health complex at the Repatriation General Hospital. This will also result in a ward rationalisation with the remaining geriatric beds consolidated in Glenside's Rosewood Ward. I also suspect and regret that, when this happens—it is pretty predictable—we will hear yet another outburst from the opposition in an attempt to scaremonger and again use the most vulnerable members in our community. This government has made no secret of the fact that Glenside patients will be transferred to the new facilities at the Repat and Margaret Tobin Centre as they come into service. The opposition's continual attempt to denigrate the state of our mental health services through misrepresentation of the facts is doing nothing but harm to the morale of our valuable and most vulnerable mental health workers and creating unnecessary fear and apprehension amongst those patients and their families.

**The Hon. J.M.A. LENSINK:** I have a supplementary question arising from the answer. In order to assuage any fear and apprehension in the community, will the minister provide the council with a masterplan for extended care and rehabilitation services?

**The Hon. G.E. GAGO:** Again, it is just sort of tedious, really. I have spoken in this council so many times before in terms of a masterplan for the Glenside site, for which I have responsibility. We have undertaken planning of the buildings on the site and are still doing an audit of what is there, the state of the buildings and so on. We have given commitments to continue services at that site. We have already given a commitment to the consolidation of Drug and Alcohol Services SA (DASSA) and an election commitment to the rural and remote services there also. I have gone to great lengths to outline the master planning process taking place on that site. We need to make sure we get it right. The scaremongering from the opposition will not force us into cutting corners or making mistakes.

These people are amongst the most vulnerable in the community and it is important we get our mental health services right. The interim report will not be completed until towards the end of this year. The Social Inclusion Board, as I have reported several times in this place, is undergoing a reform agenda for our mental health system and is looking at the types of services and the nature and level of services needed in this state, amongst other things. It is a comprehensive review it is doing. The masterplan for the Glenside site will take into consideration the outcomes from that process and final decisions will be made as to the nature and level of services to be provided from the Glenside campus.

**The Hon. J.M.A. LENSINK:** As a further supplementary, will the minister confirm that The Glen will not close before the community rehabilitation centres are operational?

**The Hon. G.E. GAGO:** I believe I have answered that question in terms of the way the configuration of services occurs. The Glen is certainly not scheduled to close in 2007.

## POLICE STATION, GAWLER

**The Hon. R.P. WORTLEY:** Will the Minister for Police explain how the Rann government is contributing to increased safety and security for communities in the Gawler region?

**The Hon. P. HOLLOWAY (Minister for Police):** I thank the honourable member for this very important question. I was pleased last Friday to join the Police Commissioner at the official opening of Gawler's new police complex. The $2.8 million Rann government funded station is a valuable new asset for Gawler and will play a key role in maintaining safety and security for the town and its surrounding communities. It is one of a number of new police stations and courthouses around the state the government is funding through a $40 million public/private partnership project. This project is also delivering new facilities at Port Lincoln, the Riverland, Victor Harbor and Mount Barker, and I look forward to officially opening the new Mount Barker police complex later this week.

The Gawler facility was designed and built by the Plenary Justice Consortium, which is made up of PPP financiers the

Plenary Group Pty Ltd, Deutsche Bank, the builder Hansen Yunken Pty Ltd, the facilities manager Advanced Building Technologies Group Pty Ltd, engineers Connell Mott MacDonald and Walter Brooke Architects. The building, which was completed ahead of schedule and on budget, was handed over to the government by the consortium in February under a 25-year lease arrangement. Importantly, consultation with the local council and community resulted in the retention of the old stables building and almost all significant trees on the property.

As I mentioned, the new police station will play a central role in keeping the Gawler community safe and secure. The safety of the community is a key priority of the Rann government, and that is why we now have the largest police force in the state's history, with another 400 police to be added to that total over the next four years. Also, we have increased the SAPOL budget to record levels—$545 million for 2006-07, which represents an 8.4 per cent increase on the previous year or an extra $42 million. The Rann government's commitment to our police is in stark contrast to what happened under the previous Liberal government when our police numbers were allowed to fall to appalling lows. The government's commitment to recruit an extra 400 officers during the next four years will ensure that, by 2010, South Australia will have 1 000 more police on the beat than when police numbers hit a low during the Liberal era back in 1997.

## DRUG TESTING

**The Hon. D.G.E. HOOD:** I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the drug testing of medical practitioners.

Leave granted.

**The Hon. D.G.E. HOOD:** Recommendation 13 of the interim report of the Statutory Authorities Review Committee in its 43rd report (dated 10 March 2006) states that all medical practitioners and interns practising in a clinical environment should be subjected to random drug testing with zero tolerance. One reason for this recommendation was the evidence of two deplorable cases of doctors' drug-use habits crossing over into their medical practice. The first case involved a doctor ordering drugs for his patients, injecting them into himself and then using the same syringe to inject those drugs into patients. The patients, not surprisingly, contracted hepatitis C.

The second case involved a doctor who discharged a patient from the Queen Elizabeth Hospital, and the patient died at home the next day. It later came to light that the doctor had been smoking up to 10 cones of cannabis a day. The AAPP reported on Friday 27 October that one in five people from a sample of some 13 000 Queenslanders believed there was no great health risk in the monthly or weekly use of amphetamines, heroin, ecstasy or other hallucinogens. An Australian Institute of Health and Welfare report indicated that 38 per cent of Australians have used an illicit drug at some stage in their lives. The Australian Medical Association (AMA) claims to have over 2 000 members in South Australia.

On 27 October 2006, *The Advertiser* claimed that some doctors were working more than 100 hours per week. The same article quoted the AMA President as saying that 'once you've done 18 hours your abilities are similar to being .05 or over'. Our medical practitioners have our lives in their hands when they perform surgery, administer medicines or treat or advise us on our personal health. Will the minister implement the committee's recommendations for the random drug testing of medical practitioners and interns; if not, why not, and, if so, when?

**The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse):** The work functions of many people could potentially be quite dangerous or have quite dangerous consequences if they are affected by drugs or alcohol. I am sure that the recent report in relation to some workplace practices is of deep concern to all of us; and, certainly, it is to me. I believe that it is not only the work practices of doctors that are potentially jeopardised through the use of illicit drugs and/or alcohol. I see the issue as being much broader than that. It is something about which I am willing to engage with the medical profession and, in particular, colleges and other advocate and industrial groups representing medical officers. I am happy to engage with them and listen to what they have to say.

However, I think there is a broader issue. The issue of random drug testing generally has not been considered to be an effective control in the use of illicit drugs across the board. Basically, there is a view that workplace testing programs are just one avenue for detecting potential drug and alcohol problems in the workplace but, ideally, any testing program should be considered as part of a comprehensive approach to workplace alcohol and other drug-related harm, including a focus on developing a very positive workplace culture and also looking at workplace practices that might place workers under stress. The example the honourable member gave involved particularly long shifts, etc. that pose risks. I believe this is a very worthwhile direction to take.

Workplace drug testing programs have been found to have some limitations. Testing programs generally focus on worker behaviour rather than considering workplace conditions that may have contributed to the behaviour: such as stress, social controls and other such practices that I have mentioned. Testing only detects the presence of drugs, not the level of impairment caused by a drug. As the honourable member rightly points out, the effect of fatigue can, in some cases, significantly not only mimic the effects of certain drugs and alcohol but also exacerbate them.

Testing obviously has an impact on workplace morale due to concerns about the reliability of false positives and employee privacy. Guidelines for addressing alcohol and other drug-related harm in the workplace were developed as part of the Impact of Alcohol and Other Drugs in the Workplace project, a research project jointly coordinated by Drug & Alcohol Services South Australia and SafeWork SA. The final report and recommendations of this project have recently been released and are publicly available from the SafeWork SA web site, and they have been submitted to the SafeWork advisory committee for consideration. The enforcement of the law with regard to possession of drugs, driving under the influence of drugs, and such like, is obviously an important matter for consideration.

**The Hon. NICK XENOPHON:** I have a supplementary question, Mr President. What, if any, level of cannabis, amphetamines or indeed alcohol in the blood does the minister consider acceptable for medical practitioners who are treating patients in our health system?

**The Hon. G.E. GAGO:** That is an offensive question, Mr President, and it is an outrageous question. It is offensive because the honourable member is suggesting that in some

aspect of my answer I was condoning the use of illicit drugs. That is an appalling reference to make.

**The Hon. NICK XENOPHON:** I have a further supplementary question, Mr President. Given the minister's concern about morale with regard to workplace drug testing, what does the minister say is the appropriate balance between the morale of the workforce affected by drug testing and public and workplace safety considerations? Where is that balance?

**The Hon. G.E. GAGO:** As I have outlined in my answer, this is a comprehensive approach to the issue. It is not just a matter of random drug testing, as I have outlined. Such a response has significant limitations. If we are to effectively address the issue of the use of illicit drugs or the abuse of alcohol in the workplace, a comprehensive approach needs to be adopted—and I outlined some of the facets of that approach in my previous answer.

**The Hon. D.G.E. HOOD:** As a supplementary question, with respect to the minister, my question was a genuine one. Will she seek to implement the recommendations of the report?

**The Hon. G.E. GAGO:** I have answered that question. I said that I would be pleased to consult with those members of the medical profession and their representative groups to seek their views on this matter.

## COMIC

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the Minister for Mental Health and Substance Abuse a question about COMIC.

Leave granted.

**The Hon. SANDRA KANCK:** COMIC, Children of Mentally Ill Consumers, is a group that was formed in February 2000. These are adults who, as children, had the experience of growing up with mentally ill parents and who believe that it is an area of mental health that is neglected. On 5 October, this group wrote to the head of Mental Health Services, Dr John Brayley, and asked whether funding could be provided for two members of COMIC to attend a conference in Perth in February of next year. COMIC has submitted a paper for presentation at that conference. This has been accepted but, as an entirely voluntary organisation, it is not in a position to be able to fund its attendance at the conference or the air fares. COMIC does say, however, that it can organise its own accommodation.

This is a far cry from the way in which most of us, when we attend conferences, are able to go at taxpayer expense. I sent an email to COMIC yesterday asking whether it had had any response from Dr Brayley to its request and, a short time ago, I received an email back to say that there had been no response. My question is: does the minister acknowledge the positive contribution that COMIC makes and will she find within her budget the money to send two representatives to this conference in Perth?

**The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse):** To the best of my knowledge, I am not aware of the request from this group and am not familiar with the group. I will be happy to look into its request and bring back a response.

## MASLIN BEACH

**The Hon. CAROLINE SCHAEFER:** I seek leave to make an explanation before asking the Minister for Mineral Resources Development a question about the rehabilitation of the Maslin Beach quarry.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** Last year I asked a series of questions of the minister with regard to the appropriate use of the Extractive Areas Rehabilitation Fund and, in particular, in November, a series of questions as to the suitability and appropriateness of rehabilitation of a quarry immediately above Maslin Beach. Amongst other questions that I asked at the time were these:

> Why did the engineers' designs not take into account the coastal environment, vegetation, soil types etc.? Why were mitigating drainage designs not used to slow and dissipate the water flows? And why was there no provision for adequate native vegetation establishment to prevent erosion?

Recently I have been given an article from the magazine *Xanthopus*, which is published by the Native Vegetation Council and in which it is alleged that the cost of rehabilitation of that quarry is now $950 000, not $750 000 as the minister described at the time. In relation to a description of this rehabilitation, the article states:

> . . . a rebirth to brutalism with rock and cloth. The project has now wasted nearly a million dollars of public money and is still not resolved. . . The design chosen for this site is totally inappropriate for a coastal and marine environment. . . The site is subject to a high degree of silt run-off; exposed to strong winds and water erosion with no containment measures. . . This changed landform does not have any conformity with the surrounding natural dune formations. . . There has been no attempt to revegetate the area and it is now a public eyesore.

After a longwinded answer, the minister concluded by saying:

> I believe the industry has supported the work done. One individual who lives down there is a bit unhappy with the work and it is unfortunate that we have had such unseasonal weather that has eroded work, but that will be repaired as the budget is there to do the work as soon as we can get heavy equipment on to the dunes.

My questions are:

1. Does the minister now concede that his answer at the time was, at best, inaccurate and that the rehabilitation of the quarry above Maslin Beach was inadequate and inappropriate?

2. Has any rehabilitation work taken place since November last year; and, if not, why not?

3. Has the cost of rehabilitation blown out by another $250 000?

4. Has the cost of this rehabilitation been borne by the Extractive Areas Rehabilitation Fund (industry contributions) rather than by the more usual practice, namely, the landowner bears the cost; and in this case the landowner is the Department for Environment and Heritage?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** There are a great number of inaccuracies in the honourable member's assertions. Certainly, there is some dissatisfaction by some people down there who seem to believe that, in reconstructing the seawall, one can suddenly replenish the natural environment. Of course, we cannot do that. What happened originally with the sea face at Maslin Beach is that formerly it was a quarry. Certainly, the government might be the landowner now, but the land was used in the past as a sand quarry. It was decided to use funding from the Extractive Areas Rehabilitation Fund

because it was put to me that there was some danger to the public along the seawall.

The original rehabilitation work had not been carried out satisfactorily. There was some danger because the land had not been properly compacted and it was collapsing in some areas, and someone might have been trapped by it. During the rehabilitation phase I was advised that the slope of the sand wall was excessively steep—steeper than the natural slope one would expect in such situations—so the proposal was to lay it back to a more acceptable slope. I think it was one in four compared to the original slope, and that work was done to make those dunes safe.

As was pointed out last year, it was unfortunate that we had extremely heavy and unseasonal rain early in the year that eroded some of the sand—as one would expect. It is inconceivable that we could do earthworks such as that and not have some erosion. Sandhills anywhere, of course, are subject to erosion. Some revegetation has taken place, but it was not possible to do it to a level one would like because, following the unseasonal early rain last year, this year we have had very little rain at all. I believe that the work that has been done at Maslin Beach is appreciated by the majority of the community, who understand what has happened. It has made that dune safe but, of course, as with any earthworks, they are not as pretty as one might like during that work being undertaken. However, I think that the majority of the community understand that, eventually, those re-contoured dunes will form a natural shape and will, over time and with revegetation, return as close to their natural state as is possible.

In addition to the work funded from the Extractive Areas Rehabilitation Fund into reshaping and re-compacting those dunes to ensure that they are safe, I authorised some $150 000 through the Planning and Development Fund in relation to organising further vegetative plantings. Some of that work has been undertaken but, just as last year we had most unseasonal rain, this year the lack of rain has somewhat hindered the work that has been done to try to replant those dune areas. That work will obviously now be delayed, but we do not intend to give up on it and ultimately it will be undertaken. As I said, I believe that we can return this area as close to its original state as it is possible to get. It is very easy for those opposite to criticise the government for spending this money, but what would they have us do? Let it remain as it was, when our advice was that it was a danger to the public because it could collapse?

*The Hon. Caroline Schaefer interjecting:*

**The Hon. P. HOLLOWAY:** Well, the honourable member says that it has not been done properly. Certainly, some people would have liked it done differently, but I prefer to take the advice not just from the department but from the expert consulting engineers who were employed for this project. I would prefer to take their advice rather than that of well-meaning amateurs.

**The Hon. CAROLINE SCHAEFER:** As a supplementary question, will the minister tell us who the consulting engineers were whose advice was sought, which company that was?

**The Hon. P. HOLLOWAY:** I will get advice on that. I assume the honourable member means the contractors as well because, obviously, there were several people involved in the overall project. But I will get that information.

## PETROLEUM EXPLORATION

**The Hon. B.V. FINNIGAN:** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about petroleum exploration.

Leave granted.

**The Hon. B.V. FINNIGAN:** South Australia has had a long history of petroleum exploration going back to the 1860s, when the first oil well was sunk near the Otway Basin. Today, there is still significant interest in petroleum exploration in this state. Will the minister inform the council what developments have taken place recently in regard to onshore petroleum exploration in South Australia?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** I thank the honourable member for his important question. Explorers in this state are continuing to reap the rewards arising from further profitable petroleum discoveries and, of course, this state continues to reap those rewards. In fact, most of the petroleum prospective parts of the state are currently under licence or application. Mature producing basins, such as the Otway and Cooper, are almost fully licensed and are the main focus of current onshore exploration effort, although exploration is also set to increase in the state's frontier basins in the next two years. In the term January 2002 through to October 2006, 84 exploration wells were drilled, and 40 discovered new oil and gas fields and were cased and suspended as future producers. This corresponds to a world-class 48 per cent commercial success rate.

Victoria Petroleum's Growler 1 oil discovery in October is the most recent of 14 discoveries, from 24 exploration wells drilled so far in 2006; an excellent outcome. The cycle time from discovery to production for Cooper Basin oil discoveries can be as short as three months. It is particularly significant that gas from a discovery made by Great Artesian Oil and Gas—the Smegsy field—is now on production and tolling through Santos joint venture facilities. I look forward to additional new entrant gas discoveries flowing to the domestic gas markets.

The South Australian government is also currently running a number of initiatives to sustain the Cooper Basin as a favoured petroleum exploration investment address. Negotiations are under way to establish a conjunctive indigenous land use agreement over the Cooper Basin to facilitate land access agreements that are fair to Aboriginal people and sustainable for developments. When I say 'conjunctive', I mean these agreements will mirror those already achieved through the right to negotiate process in South Australia, and will cover the full cycle of upstream petroleum operations from exploration through to production.

In addition, surrender of parts of all petroleum exploration licences is a normal process at the end of each five-year term in South Australia. The aggregate area due to be suspended from existing petroleum exploration licences will be about 19 150 square kilometres of the 54 590 square kilometres currently held in petroleum exploration licences. Surrendered acreage will be merged to define four to five new blocks for work program bidding by explorers in the term 2008-09. It is anticipated that this will attract yet more new entrant explorers to this highly attractive exploration address, and stimulate further exploration.

Exploration is also ramping up in the Otway Basin. In July, South Australian based Adelaide Energy Pty Ltd, was successful in bidding for the OT2006-A block located over the Jacaranda Ridge 1 oil discovery. Guaranteed elements of

the work program total $7.3 million and include 3-D seismic acquisition, an aeromagnetic survey, the drilling of two wells, together with geoscientific studies in the first two years of the program. The non-guaranteed program includes two additional exploration wells and geoscientific studies.

The Arckaringa Basin is now fully under licence following the grant of seven new petroleum exploration licences in September. This, together with an additional petroleum exploration licence to SAPEX in the Mid North, more than doubles the total prospective area of the state held under licence, increasing it from 66 109 square kilometres to 140 225 square kilometres. While the Arckaringa Basin has been referred to by the oil industry as the forgotten basin (because it has not been actively explored since 1986), it has similarities with parts of the prospective Permian section in the Cooper Basin. SAPEX will conduct geoscientific studies, acquire seismic and plan to drill at least 12 exploration wells in the Arckaringa and six in the Mid North exploring for oil and coal seam methane.

In the Officer Basin, ten areas (totalling 105 250 square kilometres) are currently under application, and they are the subject of land access negotiations with the traditional owners, the Ananga/Pitjantjatjara/Yankunytjatjara and Maralinga/Tjarutja peoples. These areas have attracted experienced international petroleum explorers from Canada and Indonesia. In particular, it is heartening to see the Canadian company Win Energy (which is listed on the Toronto Stock Exchange) create a new Australian company, Officer Basin Energy, to undertake its exploration in South Australia. There was a successful Australian Stock Exchange listing of Austin Exploration in July 2006, and it has a registered office in Adelaide. Austin Exploration is planning exploration drilling to test the Yorketown prospect in the frontier Stansbury Basin this year, and will also be conducting seismic and drilling in the Cooper Basin. The Indian-based Assam Company is participating in the joint venture with Austin Exploration.

Three Indian companies have been attracted to invest in onshore and offshore petroleum exploration in South Australia in 2006. Assam Company is part of the Austin Exploration joint venture. Videocon Industries Ltd and Gujarat State Petroleum Corporation Ltd have been attracted to explore in the offshore Otway Basin (EPP27) by the operator, Great Artesian Oil and Gas. United Kingdom based explorers are involved in licences in the Otway, Arrowie and Bight Basins. North American-based explorers have been actively exploring new petroleum exploration licences in the Cooper Basin since 2001 and are also involved in the offshore Otway, onshore Stansbury and western Eromanga basins. So in conclusion, I am happy to report that there has been significant activity in the petroleum exploration field, and I wish those companies well.

## DRUG REHABILITATION

**The Hon. A.M. BRESSINGTON:** I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about residential drug rehabilitation programs for young people.

Leave granted.

**The Hon. A.M. BRESSINGTON:** Over the past four weeks I have been contacted by a number of parents who have the difficult job of looking after teenage children who are adversely affected by drugs such as cannabis and amphetamines. These teenagers have not yet made it to the legal system; however, they are not far from it. They live mostly on the streets, unable to reside at home because of their erratic and sometimes violent behaviour. These parents have tried to find some sort of accommodation or residential program that offers these teenagers an opportunity to cease using drugs but, over a period of six months, they have not been able to find anywhere for these young people. My questions to the minister are:

1. How many long-term residential places or beds do we have for youth who use drugs but who are not yet involved in the justice system and who require assistance to stop using drugs?

2. How many beds are available for such young people between the ages of 13 and 17?

**The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse):** I thank the honourable member for her important question. The needs of these young people are indeed very complex and quite severe. Often it involves not just the issue of substance abuse but issues regarding family relationships and relationships with other people, as well as issues around schooling or employment. It is a complex situation. I have outlined before in this place the sorts of drug programs that provide accommodation; they are mainly, if you like, acute rehabilitation-type facilities that involve detoxification and such like because it is at the intense detox and management end of the scale where accommodation is usually provided.

In relation to those young people who are not necessarily using those types of services but who still require accommodation for their general safety and well-being (I assume this is what the honourable member is talking about), I understand that there are some non-government organisations that provide some of those services. However, most of those accommodation services are provided through the Department for Families and Communities, for which I do not have responsibility. In terms of other sorts of services, I am happy to seek further information and bring back a response.

## PORT STANVAC

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about Port Stanvac and contaminated land.

Leave granted.

**The Hon. D.W. RIDGWAY:** The Treasurer (Hon. Kevin Foley) said on radio last year in relation to the deal with Mobil and the extension of the time frame for the Port Stanvac oil refinery site:

> Mobil have to be fair, open and honest with the people of South Australia. By 1 July next year I think we'll have a resolution.

He went on to say:

> I don't think there is any multinational company in the world that we should be more distrustful of than Exxon Mobil. We're a small state, a small government, but we intend to do all within our powers to make Mobil live up to its obligations to the people of South Australia.

On 10 July this year, some 10 days after the deadline laid down by the Treasurer on 1 July, when, incidentally, at a time when the Treasurer was on a working holiday in the United States and Premier Rann was having his make-up fixed before starring in some movies, so, really, the government was not interested in fixing or addressing the concerns—

*The Hon. R.D. Lawson interjecting:*

**The Hon. D.W. RIDGWAY:** My colleague, the Hon. Robert Lawson, interjects that maybe the Premier was having some plastic surgery.

**The PRESIDENT:** The interjection is out of order. Maybe the member should get on with the question.

**The Hon. D.W. RIDGWAY:** The shadow minister for infrastructure and energy, Mr Hamilton-Smith, in another place, said that the local residents and the rest of the community are entitled to know what is going on at Port Stanvac. It was clear last year, and reiterated today in *The Advertiser* and Radio 891 that 2019 is at the least the earliest that the South Australian community can expect some clean-up and resolution of that site. In fact, in the interim report tabled when the parliament was prorogued before the election, a letter from Mobil had been received by the previous select committee stating that it was unable to provide a copy of the report because it was prorogued. One can only assume that, now that the parliament is no longer prorogued, Mobil will be happy to table a copy of that report.

In a press statement on 17 July, Mr Foley stated that he had done a deal with Mobil and signed another agreement in which it would have an extension to the end of 2009 to make decisions about the potential future of Mobil. The Treasurer went on to state:

> The government agreed to ExxonMobil's request for an extension but, in addition, has agreed with ExxonMobil that the company further accelerate investigations, research and remediation of the site.
>
> The agreed programs for the site will commence immediately with the full program—

this is on 17 July—

> in place by the end of the third quarter of 2006.

My understanding is that that would have been the end of September. The Treasurer then went on to state that remediation will focus on the following areas: the foreshore, assessment of impact on ground water, the recommissioning of an existing bio-mediation system at the site, and remediation of affected soils. My questions are:

1. Will the minister confirm that the full program is now in place, as stated by the Treasurer on 17 July, but which should have been in place by 30 September?

2. If there is no multinational company in the world that we should be more distrustful of than ExxonMobil, why will the government not release the agreement that it has with Mobil for the security of people in South Australia?

3. Will the minister rule out that the agreement exempts ExxonMobil from any future changes to the contaminated land legislation that we are yet to see in this place as promised by the Premier before Christmas this year?

4. When will this place see the promised contaminated land legislation, as identified in the State of the Environment Report in 2003, and which is sadly lacking in South Australia?

**The Hon. G.E. GAGO (Minister for Environment and Conservation):** I am happy to take the questions on notice and refer them to the appropriate minister in another place. It is the Treasurer who is responsible for matters pertaining to the indenture. I am happy to refer those matters. In relation to the mothballing—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. G.E. GAGO:** As I find it very difficult, because the noise is so loud, I am happy to refer those matters that are the responsibility of the appropriate minister in another place, the Treasurer. Negotiations between Mobil and the government in relation to remediation and the mothballing of the Port Stanvac Refinery site until 30 June, as I said, are being led by the Treasurer.

In July 2006 the Treasurer announced that the site would be extended for a further three years. During the election period, the Hon. John Hill, the Minister for the Southern Suburbs, announced that a plan to commence targeted remediation on the Port Stanvac site was being negotiated with Mobil. Mobil has since agreed to undertake this targeted remediation work on the site and it is to commence shortly. Mobil has been working with the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment (CRC CARE) and Flinders University to develop a major initiative, a flagship project. The South Australian government has been facilitating these discussions, and the aim of that flagship project is to develop a national site contamination demonstration project that will focus on a site-specific approach to the assessment of contaminants, the assessment of risk-based management options and the optimisation of clean-up technology for remediation of groundwater and soils for the Port Stanvac Refinery site.

Since the cessation of operations, Mobil has been required to undertake assessment of the site. These works include environmental assessment and various remediation action plans which address potential off-site issues and conceptual on-site issues. Mobil has appointed an independent environmental auditor in respect of contaminated land as required by the deed of agreement. The environmental auditor will furnish the EPA with a report once it has been completed.

In line with the advice from the environmental auditor, and supported by the EPA, Mobil will agree to undertake additional assessment of the Port Stanvac site. These works will include: assessment to determine whether there are any actual risks with groundwater directly adjacent to the marine environment and assessment to delineate risks associated with groundwater contamination in the area of the northern paddock boundary in the north-eastern corner of the site. In respect of any other outstanding matters in relation to the extremely long-winded question of the honourable member, I will bring back a response.

## MITSUBISHI MOTORS

**The Hon. P. HOLLOWAY (Minister for Police):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. P. HOLLOWAY:** Earlier today, during question time, the Leader of the Opposition alleged that answers given by myself and the Treasurer were in conflict. I reject that allegation. On 24 May 2004, the leader asked me a number of questions, the last one being:

> Will the leader indicate what 'recommitted' by the state government means, given that that money has already been paid to Mitsubishi in cash grants over two years?

He was referring to a quote in a weekend report which stated:

> Premier Mike Rann today recommitted the $35 million assistance package paid by the state government to Mitsubishi over the past two years.

My answer was as follows:

> I think the council will be delighted with the job that the Deputy Premier and the federal minister for industry, Mr Macfarlane, have done in terms of negotiating with Mitsubishi internationally in view of the outcome that has been achieved. In relation to the package that this government previously put in place back in 2002, my advice is that the government paid Mitsubishi $35 million in support and this commitment remains in place. This funding is effectively a loan which will be repayable if certain production hurdles are not met

between 2007 and 2012. Under the agreement, the government also has the capacity to seek repayment if Mitsubishi Australia substantially reduces the scale of its operations in South Australia.

I then went on to say the next sentence as quoted by the Leader of the Opposition, as follows:

The government will not seek repayment of the $35 million already paid.

It was clearly answered in the context of the Lonsdale closure, because this statement was made at the time of that closure, and I said that the government was not going to require it. It could have called in the loan in the situation referred to but, no, the government said it would not call it in; and that loan was recommitted and still subject to the conditions. I continued:

So, it is premature, I would suggest, to speculate on whether these targets will be met.

In answer to further supplementary questions, particularly in response to the Hon. Julian Stefani, I said:

. . . the government will not be seeking repayment because that money was a loan. There are certain benchmarks to be met between 2007 and 2011. It is quite premature to be talking about clawbacks. As the Premier said in his statement on Friday, we have recommitted to that $35 million package.

In other words, we have not called it in; we have not said, 'Pay it back now in 2004 because of the Lonsdale closure', but we have recommitted to it. I continued:

Ultimately, what happens in relation to that will be subject to what happens between 2007 and 2011.

The Hon. Rob Lucas then asked this supplementary question: is the minister claiming that in the original agreement signed between Mitsubishi and the state government the $35 million was described as a 'loan'? My answer was as follows:

My advice is that the funding is effectively a loan which would be repayable if certain production levels were not met between 2007 and 2012.

I believe that answer is entirely consistent with the answer given by the Treasurer on 24 October 2006 when he said:

We have a parent company guarantee against our advance, and it would be repayable should Mitsubishi no longer continue to operate in South Australia.

I believe there is no conflict between those answers.

*Members interjecting:*

**The PRESIDENT:** Order!

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

Adjourned debate on second reading.

(Continued from 21 September. Page 704.)

**The Hon. D.W. RIDGWAY:** I rise on behalf of the opposition to speak to this bill. This legislation was introduced in 2002, as we know, to give the minister power to compulsorily acquire land for the construction of drains. I am aware that the government needs to have this piece of legislation dealt with by 6 December 2006. I indicated to the minister some weeks ago that, while I would be happy to debate it today, I needed to go back to the South-East to have a good on-ground look without any departmental officers. I have been a couple of times with the ERD Committee to quietly poke around and to talk to some of the landowners so that I could have a look for myself, and on behalf of the Liberal Party, to see exactly what was happening with the scheme. I did that in conjunction with the member for MacKillop, Mitch Williams, because, while it is part of my home patch, it is some distance from my original property and it is more in Mitch's backyard.

For the benefit of members, I think we should revisit the history. In approximately 1990, the seven local council districts in that area, which included the farms affected by rising salinity, met and formed a task force to look at the problem. They then realised that the problem of rising salinity and dryland salinity in the Upper South-East was too big an issue for local councils and local government to manage, so they involved the state government at the time (the Bannon government) in discussions. Of course, as members would know, we have had a number of different governments of both political persuasions since then. We now have what we call the Upper South-East Dryland Salinity and Flood Management Scheme. The initial plan and intention of that scheme was to reduce and drain salinity from the landscape.

I have seen with a number of landowners a video that was taken from the air some 16 or 17 years ago. The images have discoloured a bit because of the age of the video, but the amount of salt-degraded land and white landscape I could see from the air that had salt patches on it was quite amazing. As members of the local agricultural bureau (the Wolseley Agricultural Bureau) we were all levy payers in that scheme (we started paying levies early in the program). In the South-East, we often have farm walks, where we go out as a group of farmers to have a look around another farmer's property. We had a farm walk along some of the properties in the Willalooka area, and we were quite amazed at the amount of degradation and lack of pasture growth, given that that was such a wonderful agricultural area in the 1950s and 1960s when it was first cleared.

I know a number of people in this place would say that it should not have been cleared. Some of the land is perhaps low lying and saline. In fact, people have commented that they sold land because they thought it was not productive. However, they were able to sell it and take some money for it. Then the next landowner cleared it, and paid rates and taxes for the next 30, 40 or 50 years, and they are probably entitled to try to get some production from that land. On this farm walk, we saw that the landscape was quite badly affected by rising salinity, with bare patches and stunted barley grass. The land was particularly unproductive. I was not with them when members of the agricultural bureau went back on their second visit, but they all remarked to me that, after some drainage work had been done, it had revitalised the landscape and the pastures had returned and that strawberry clover (which is one of the important pastures down there) had almost come back by itself—not overnight but over a couple of seasons.

We have had some big floods, and the flood in 1981 was a particularly bad flood through the Upper South-East, particularly the Tatiara district, where there are two main creeks (the Tatiara Creek and the Nalang Creek), which flow out west of Bordertown to Mundulla and then flow on west toward the coast and hit the Keith-Naracoorte road, which had to be cut by some earthmoving equipment to allow the water to get through. That was the start of the inundation that caused the salinity to rise. The pasture died and, with the bare soil, the sun, evaporation and the capillary action, the salt came to the surface.

We had this period of about 10 years during which the problem was getting worse. Then the scheme was implemented and landowners started to get back some production. Of course, we had some pretty tough economic times then, so it was really quite an added bonus for those landowners. With respect to the initial plan and idea of the scheme to reduce salinity in the landscape, I would have to say that the scheme has been quite successful. However, given the 10 years of dry times we have had, it has also drained the groundwater, which, if you are still having particularly wet flood years, would not necessarily be a problem in itself, but that has caused a number of problems in the wetlands area. For those who have not been up there to have a look, I guess it would be a little hard to understand. I know that the Hon. Sandra Kanck has been up there on a couple of occasions with the ERD Committee, but I do not think any of the other members—

*The Hon. G.E. Gago interjecting:*

**The Hon. D.W. RIDGWAY:** That is right; the minister, to her credit, did fly down there in a helicopter to have a look. I have heard all about the helicopter—

*The Hon. Sandra Kanck interjecting:*

**The Hon. D.W. RIDGWAY:** Yes. I commend the minister for taking the opportunity to zip down there in a helicopter to have a look around and a drive around. I think it is worthwhile to do that. It is a little hard to understand the complexity of it. When someone digs a deep drain, they can drain the groundwater and get rid of the salinity. There is no question about that: it goes and the pasture returns.

One of the properties that the ERD Committee visited (the Hon. Sandra Kanck has made mention of it) was the Burdens' property. My understanding is that the draining of salinity on that property has been a success. The Burdens bought their property after the drain had gone through, when it was owned by a previous landowner. On our visit we could see the improved pasture and crop growth closer to the drain and, as we got further away from the drain and there was still the impact of salt, there was reduced growth. I know the Burdens have issues with some other aspects of the drainage scheme, but I suspect that their property is in better heart today than prior to their buying it because of the drainage of the salinity from the landscape.

When there is a drain lowering the groundwater, the capacity is lost to move fresh water around on the top. We all know that fresh water is lighter than salt water—or sea water: some of the groundwater is as salty as the sea; it is quite saline—and that it floats on the surface. We have a problem where we have lowered the groundwater. With respect to the new drain that will go past the Parrakie wetlands and some of the other very important wetlands, if the groundwater is lower, there is the potential for the salinity to be lowered and you produce that outcome, but you also run the risk of not getting sufficient fresh water into the wetlands. We all agree that the wetlands are important, but so are the agricultural and economic output of the region.

I had an opportunity to see some of Tom Brinkworth's land on that trip. The Hon. Sandra Kanck and I also saw his land on an ERD trip two years ago, when we had the opportunity to see fresh water flowing via a floodway across the top of a drain containing salt water. Salt water had been drained from the landscape, but it was a wetter season, and the fresh water was able to be drained to move across the top of it. A large pipe is placed into a drain, which is filled in, and some banks are placed there so that the fresh water can go across the top and the salt water can continue on its way. We saw that in operation, and I found it quite amazing to watch the two mini rivers—one going one way which was quite saline and the other going in a different direction which was quite fresh—in the same spot.

I visited a site on the property of Tom Brinkworth in an area called the Mandina Marshes, which is a large wetland. In this area, the department has dug a drain that goes around and cuts off, I suppose, about a two square kilometre section of the Mandina Marshes, and it has built a floodway to take fresh water across the top of that drain into the next section of the Mandina Marshes. On this visit, at the bottom end of that two-kilometre section, we saw that fresh water was being directed into the Mandina Marshes. However, the saline groundwater in the drain, which had been working very well, had lowered that water quite significantly, it being a dry season, so it was really only a small trickle in the bottom of it. There was quite a large flow of fresh water going into this strip of marshes about two kilometres long, but it was not making it to the floodway. You could see where it had been at the floodway a couple of weeks before, but it was no longer there.

I know the department is playing a continual tug of war with Mr Brinkworth over a whole range of issues, and I will not canvass any of them today, other than to say that, with respect to the drain in that program, Mr Brinkworth had blocked off the culvert to allow the water table to rise, because he did not think that draining the landscape in a dry season such as this was in the best interests of the marshes. When he had blocked it off and the water table had risen, within about 30 to 50 centimetres of the soil surface one could see evidence of where the water had run across the floodway and into the next section of marsh land.

Of course, it is not his drain to block off or to tamper with. The departmental officials wanted to have it opened. They took the boards out, lowered the water level and therefore drained the landscape again. He then replaced the boards, and I think that subsequently they have taken them out and that there may be some legal action as a result of his playing with the drains for a second time. He showed me evidence that, when he had the water table high, the water was able to flow through; and when the water table was low, it was soaking into the landscape, entering the saline drain and disappearing towards the sea and Salt Creek from that point. Members can see that the management of it is particularly difficult. We have seen that, on a number of occasions, people are not quite certain what to do. We have a farming group wanting to drain salinity and we have an environmental group wanting to preserve the environment. I suspect the farmers want to preserve the environment just as much as—

**The Hon. Sandra Kanck:** You don't get farming without the environment.

**The Hon. D.W. RIDGWAY:** Yes; they go hand in hand. I know that Tom Brinkworth has been accused of a whole range of environmental travesties in that area. Recently I have been made aware of the fact that some of the Parrakie family released deer (which are feral animals) into that area 30 to 40 years ago to hunt. I think there has been somewhat of a switching of view about the importance of the environment not only by the people involved in the Parrakie wetlands but also by Mr Brinkworth, who in some of the discussions I have had with him has said that we can all change our views. I think that today he has a much more environmentally friendly view. Okay, I suspect that he is a hunter but so are many of the people involved with the Parrakie wetlands who

enjoy shooting wild duck and a whole range of other animals that they are allowed to shoot.

It became apparent to me that there are two different views. Everyone is wanting to protect their own little patch. The farmers want an economic outcome. Some of them have paid in excess of $100 000 in levies and still do not have a drain. I know that people such as the Prossers (whom I have mentioned previously) are passionately opposed to the drain. To give members an idea of the divergence of views, I refer to a letter that I think may have been forwarded to the minister. The letter states:

> It is our opinion that any drain on our property is going to be financially, agriculturally and environmentally detrimental. We cannot see, from our own investigations and research, from information received from the program, nor have we been convinced that the proposed altered alignment has provided any better outcomes for the area than the rack plan alignment. We feel that a drain will reduce the quality and value of our land, our current production and hence income, reduce the value of our natural wetland system as well as our, and future generations, general quality of life. Therefore we do not want to progress any further discussions in respect to drains on our property.

The letter goes on, but members can see that those people—

**The Hon. G.E. Gago:** What date is that?

**The Hon. D.W. RIDGWAY:** I do not have a date on that one. It is a little while ago. Members can see that there are different points of view. I know that the last time the ERD Committee visited the area it recommended to the former minister a change of alignment back through the range—probably 2 kilometres south of the Prossers' property—and into the Wongawilli drain across the other side of the range. The minister chose not to accept that advice. I think that would have been a good compromise for the landowners and the Prossers but, notwithstanding that, the minister chose not to accept that advice. The program managers are also starting to understand that we cannot just drain the landscape without having an impact on the environment.

I have a copy of the proposed Bald Hill drain, West Avenue Flat. I will mention a couple of points in the executive summary which states:

> The recommended option delivers positive environmental benefit by providing a solution that deals with the threat from dryland salinisation, provides additional fresh surface water and provides for ecological connectivity between existing environmental assets as follows;
>
> · Acknowledges that dryland salinity is a very real threat to the long-term health of the environment. Lack of freshwater flow and poor quality environmental flows mean that there are only two remaining refuges of freshwater environment left within this watercourse in Rocky Swamp and Henry Creek. Even these wetlands are likely to be near their threshold for maintaining the current freshwater assemblages, with particular reference to nationally vulnerable species such as the Southern Bellfrog and the Yarra Pygmy Perch. With ongoing salinisation of the catchment resulting in more saline flows, biodiversity within the catchment will almost certainly be further threatened. The solution provided will address the mechanisms that salinise the surface flows and therefore improve the quality of the environmental flow to the wetlands.

It goes on to speak about a whole range of ways we can address some of these issues and states:

> · Acknowledges that drainage solutions can impact adversely on the environment and therefore includes a number of measures to mitigate these issues. Of these measures, the most significant proposed are to increase the volume of fresh surface flows to the wetlands and flood plain vegetation by the construction of engineered floodways from the Lower SE.

This area is not in the original Upper South-East program area and is not within the scope of the project. It continues:

> · Lower SE fresh surface flows would be available 7 years in 10, with five of those years being large enough to create fresh flushing flows through all West Avenue watercourse, including Henry Creek, which would otherwise be possible only one year in 10. The restoration of Lower SE flows can only be considered for West Avenue on the condition that a local groundwater drainage solution is also provided to protect agricultural assets. The introduction of more water into an already hydrologically overloaded groundwater system will mound groundwater under and adjacent to the watercourse, increase groundwater discharge and result in further salinisation.
>
> · Seeks to create additional environmental outcomes by establishing a 200 metre wide watercourse restoration corridor over 12 kilometres of the old watercourse that has been cleared for agriculture between 'Parkhill' property and the Fairview Drain. The restoration corridor will receive environmental flows from the floodway that delivers Lower SE water into the West Avenue watercourse and provide landscaped ecological connectivity between existing stands of native vegetation and wetland environments.

We can see that there is now a willingness to bring water from the Lower South-East into the Upper South-East and eventually on into the Coorong. We all accept that, before European settlement and before any drainage took place in the South-East, all the water gradually flowed in a north-westerly direction and entered the Coorong somewhere around Salt Creek. We have some anecdotal evidence from an ERD trip that said that the Aboriginal people of that community said that 50 to 100 years ago you could hear the roar of the water entering the Coorong at Salt Creek. In wet seasons you would have had a tremendous amount of water going into the Coorong. While we know that the Coorong is in terribly bad shape, often it is blamed on the lack of flows in the River Murray.

I suspect that one of the major reasons that the Coorong is in particularly bad shape is the lack of fresh water entering the bottom end because of the drainage schemes in the Lower South-East that have gone east and west and drained a vast amount of water straight out to sea, where it is lost to the community, the wetlands and the Coorong environment. The only way you can manage these drains properly is by constructing what you might call smart drains, with sets of weirs and culverts, where the department or a management team can manage the groundwater flows. I know the Hon. Sandra Kanck has suggested that we should knock off this bill, not support it and that hopefully the program will cease. However, it will not cease.

The Upper South-East drainage act still gives the power to construct drains. They were constructing the drains prior to this legislation being introduced and passed in 2002. The legislation effectively gave the minister the right to compulsorily acquire land without compensation, but to provide some compensation if there was a net loss at the end of the scheme. By knocking it off we are throwing a huge amount of money and effort to the wind. Something close to $75 million will have been spent on this scheme—money from landowners, South Australian taxpayers and the federal government.

**The Hon. Sandra Kanck:** You do not throw good money after bad.

**The Hon. D.W. RIDGWAY:** The Hon. Sandra Kanck says that you do not throw good money after bad. We as elected members cannot say that we have spent $75 million and now we are going to walk away from it. I have seen on a number of occasions proper management of groundwater and fresh water, with proper management tools in place and with weirs and seals in place, which could be done with a proper management plan for the whole of the South-East and not just the Upper South-East.

The department talks about water from Drain M, which drains into Lake George at Beachport, where we have an interesting situation. Lake George is silted up and it has nowhere near the biodiversity it used to have. A whole bunch of seagrass is dead in Rivoli Bay at Beachport. Since Drain M was installed, some people are saying that the seagrass has been killed by the water that has gone out into the sea as a result of the nutrients in it—maybe, maybe not. However, because the seagrass has died, Lake George has silted up because, as the tide moves in and out, it takes in sand.

An ecological and environmental problem exists in Lake George, and I know that some work has been done to excavate Lake George and take that sand out of the lake. Then, obviously, we have the problems in the Coorong. We have had a discussion to take this water along the West Avenue range from Drain M. There is also discussion to take water from Drain E (which is the back end of Bool Lagoon) into the Fairview Drain and through the Bakers Range. I know that Drain M will go up through the Bakers Range watercourse. Now we are getting this quite complex network of drains, and I think the intention is to interconnect them even more.

Some people are now calling them 'smart drains', where we have weirs in the drains. I am not sure of the actual term, but I know that, on the Prossers' property, a number of soil probes are monitoring the water level and the salinity on, I think, an hourly or 10-minute basis. They are sending the information back. The technology is available now, I think, to manage this whole scheme much better. Okay, at the moment, we have one of the biggest droughts we have ever had in living memory. If I can find it, I will provide a graph (and I am sure that *Hansard* will want my notes) which looks at the rainfall at Naracoorte over the past 100 years.

Yes, we are experiencing a particularly dry period, but not much drier and about the same as it was in 1914—the time of the last really big drought when we heard that the River Murray went dry at Berri, Loxton or somewhere up there when people had their New Year's Day picnic on the bottom of the River Murray. We are in a drought situation, which is not that dissimilar to the situation we saw from about 1906 or 1908 through to 1914. We then went through a number of particularly wet years; and, in fact, it peaked in the mid 1950s, of course, with the 1956 flood.

All the climate change experts who are strong advocates of global warming and climate changes are saying that, over time, we will get a declining rainfall. However, they all say that we will get these seasonal fluctuations of higher and lower rainfall. So, in the next 100 years, we can probably expect to go through some wet periods again. I always say that there is way more money in mud than there is in dust. I just hope that we see a lot of mud pretty soon for our farming community. All the advice from all the experts is that we will get climatic variation. Yes, we are all agreed that global warming is having some long-term effect on our rainfall, but we are likely to see more adverse weather conditions and periods of higher and lower rainfall.

It just seems crazy to have spent $75 million and then to say, 'Well, we're going to walk away from it,' when we need to finetune a scheme designed originally to drain salinity; and, in the Lower South-East, to drain water from the landscape. They were not connected when that water was always going north, up through those wetlands and into the Coorong. I did put an amendment on file today and I will move it in committee, but the Liberal Party wants to see the government introduce a management plan for the whole of the South-East drainage network.

*The Hon. Sandra Kanck interjecting:*

**The Hon. D.W. RIDGWAY:** The Hon. Sandra Kanck talks about a review. We know at the moment that it is glaringly obvious that just draining salinity and not addressing the environmental flows for wetlands is not working. We know that. If we stop now for a review we will just have more degradation. I have been down there and I have had a close look at it. I talked to a number of people from both groups. I spent a couple of hours with the Prossers and some time with the Brinkworths and other landowners, and it is apparent that the best solution for this is a management plan that addresses all the needs.

We want the maximum environmental flows and protection for the very important biodiversity. We also want the best agricultural outcome. If we get—which we all expect we will—fluctuations in rainfall (wet and dry periods), surely it makes commonsense, having spent that amount of money, to try to finetune it to make it work.

The Coorong is a basket case. If we can get as much water as possible through the watercourses and properties in the wet years, we can protect the agricultural land, enhance the wetlands and the biodiversity and then move it on to the Coorong. I can recall, when I was a lad growing up in Bordertown, that people would go to the Coorong to catch flounder. They would take the inner tube from a car tyre, put a battery and a spotlight on it, wade in water that was knee to waist deep towing a baby's bath behind them and spear flounder. They would get a—

*The Hon. Caroline Schaefer interjecting:*

**The Hon. D.W. RIDGWAY:** I do not know what the bag limits were. There probably were no bag limits then, but there was almost an endless supply of flounder. The Hon. John Gazzola is rolling his eyes. Maybe there were bag limits but I am not sure what they were, and we will not go down that path. But there was an abundant supply of flounder, and people would catch ute loads of them. Today I do not know of any flounder left in the Coorong.

**The Hon. G.E. Gago:** They are all fished out.

**The Hon. D.W. RIDGWAY:** I am sure they are not fished out. The environment has become much more saline. Here we have an opportunity, after having spent $75 million collectively of our money—yours, mine, the landowners' money and the federal government's money—to try to address a salinity problem, and it is obvious that it works but, as a consequence, we have caused some degradation to the environment. As I said earlier, I think that is partly due to the lack of rainfall but there is no question that it has had a detrimental effect and, therefore, it would seem logical and sensible to try to finetune the scheme we have.

The Liberal Party proposes that the government should implement a management plan that addresses all the important, key environmental and agricultural features in the South-East, because it is one of our richest farming areas. Even if all the doomsday projections come to fruition and we have declining rainfall over the next 100 years, it still will be one part of the state that will get useable rainfall for agriculture. So, I think it is important that we do that.

In addition, there are people such as the Prossers, who do not want a drain through their property. I suspect it does not matter what recommendations the ERD Committee makes to the minister or whether or not we vote down this bill because the minister probably already has chosen an alignment through the property and acquired it, so I do not think that by

voting against this legislation we will stop that for one minute. But, if we support it and demand the government has a management plan, people such as the Prossers—and I accept they do not want the drain—

**The Hon. G.E. Gago:** When have you last spoken to the Prossers?

**The Hon. D.W. RIDGWAY:** A few weeks ago. At least we could have a management plan in place and consultation could take place with the landowners and the environmentalists—the landowners who do not want the drain and those who do want it. I know it will be difficult and challenging, but the minister spoke earlier today about how good the government's consultation process is. It may have overlooked just a few residents in the Belair National Park area, but I am sure it would not overlook anyone in the Upper South-East.

I think this provides an opportunity, as challenging as it may be, for the government and department to sit down with all the landowners and interested parties in that area and come up with a management plan that basically looks after all the surface water resources from probably Tantanoola to Salt Creek. It is a huge area, but I think it is something we really need to look at. There is less run-off because of blue gum plantations in some areas and, again, I think that will be addressed when we have decent rainfall, and I am sure we will get that again. There is a whole range of factors, and we cannot not support this bit of legislation and walk away from community investment of some $75 million. However, the opposition believes now is the time and the appropriate opportunity for the government to address those environmental concerns and the agricultural importance of the area and come up with a management plan that clearly reflects the wishes of all the community.

Obviously, we would expect to get a normal rainfall season and pattern over the next few years and not continue in a drought. If we continue in the way we are and it does not rain again, tragically, the Upper South-East will be the least of this nation's problems. I do not for one minute expect that it will not rain again, but there are some doomsayers saying this is the beginning of global warming and we will continue to get less rain. I do not think we will get less rain. We will have peaks and troughs again. The opposition sees this as an opportunity to put in an appropriate management plan to address all those concerns. With those few words, I support the bill.

**The Hon. A.L. EVANS:** The Upper South-East region of South Australia includes the rural towns of Keith, Padthaway, Naracoorte, Kingston SE, Lucindale, Salt Creek and Tintinara. The Review of Hydrological Monitoring for the area from July 2005 tells us that land clearance in the area dramatically increased in the late 1940s and 1950s. The removal of native vegetation cover was compounded by the failure of deep-rooted lucerne crops. The extended wet period in the late 1980s and 1990s led to an increase in salinisation and flooding. The situation was out of control and, in 2002, we talked in this place about 'white death', the imminent death of the South-East farmlands due to salt. The farmers and stakeholders in the area demanded action, the genesis of which was this Upper South-East initiative.

The solution in 2002 was not to ignore the problem. Landowners in the area, including the controversial Tom Brinkworth (who has often been discussed), were already taking matters into their own hands. They were already building unplanned private drainage ditches, which often did not go anywhere. There are some wonderful pictures of the drains that Tom Brinkworth was building earlier in 2002, which you can see on the ABC's South-East web site. No doubt, if we drop the current system, as the Hon. Sandra Kanck would have us do, we would go back to a system of privately constructed drains going nowhere. I understand from Andrew Beale, who is a program leader of the USE program, that many of these private drains are in fact pirate drains, illegal and built totally without approval.

We cannot have one private landholder or stakeholder doing his own thing. A private solution is like this: my back yard is getting flooded so I will dig a trench to my neighbour's back yard. My back yard gets drained out and the problem is solved. However, the problem is not solved. It is a myopic solution and the problem is just shifted. This neighbourhood needs a common stormwater drain, and the USE program provides something like an enormous common stormwater drain for the Upper South-East. I am heartened that my views were shared by the Hon. Sandra Kanck's former colleague the Hon. Mike Elliott. When he indicated Democrat support of the USE initiative in this place in 2002, he said:

> It is no good if everybody is doing their own thing, because the problem, in part, is created in this way—by each person clearing and by each person laying a levelling. So, these problems will not be solved by people doing their own thing either. . .

He concluded by saying:

> At the end of the day, there can be only one plan: there cannot be a multitude of plans for fixing up the South-East.

I will be very grateful to have the Hon. Sandra Kanck's explanation in the committee stage as to why she thinks that a number of private drainage schemes are preferable to the Hon. Mr Elliott's 'one plan': a properly planned, government-run, centralised approach. From Family First's perspective, the centralised approach does more to ensure the sustainability and fertility of land in the Upper South-East in times of flooding and in times of drought.

Just as an aside, in this place on 27 September last the Hon. Sandra Kanck preached two sermons: one about surrogacy and the other about same-sex relationships. In these sermons there was quote after quote from the book of Genesis, explaining how the Bible allegedly gives the green light to gang rape and incest. The Democrats' web site explains how the Hon. Sandra Kanck's Methodist upbringing weighs heavily on her, but I am pretty sure that these things are not Methodist teachings. It has been quote after quote from the Bible out of context, determined to bring the Bible into politics. So, I have got a verse for her. The Second Book of Kings, Chapter 3, states:

> This is what the Lord says: make the valley full of ditches. For this is what the Lord says: you will see neither wind nor rain, yet this valley will be filled with water, and you, your cattle and your other animals will drink.

This is what happens when one takes a verse out of context. Let me finish off with another picture. The current state of the drains is like a house—

*The Hon. Sandra Kanck interjecting:*

**The Hon. A.L. EVANS:** Sorry, it is tongue in cheek, Sandra. The current state of the drains is like a house with its plumbing half finished. Who knows what sorts of problems we will get when the taps are turned on? Some drains are half completed and some do not yet link up properly. Those opposing the bill are asking us to play a game of Russian roulette—to abandon things now and see just what happens. It is a cut and run policy.

Without this act, compulsory acquisition through the Land Acquisition Act becomes a slow and costly process without provision for compensation, putting the outstanding drains at Bald Hill, East Avenue and Lower South-East connecting floodways at risk. Further, if we drop this scheme now we will have breached our commitment to the commonwealth under the bilateral salinity and flood management agreements. Perhaps those opposing this bill expect us to repay the federal grants allocated and already spent on this project.

In an ideal world we would not need the drains. The area would have denser foliage, which would naturally lower the water table, but this is not an ideal world and we now find ourselves reliant on these man-made schemes to solve the problems we have created. It is definitely not ideal. Further, the scheme is meant to be completed in 2006. I am told the reason for the scheduled blow-out is 'extended periods of community consultation'. I am sceptical the scheme has blown out to three years due just to community consultation. In fairness to the department, I am told that the extended period of drought in recent years may have delayed things, but it would have been preferable for this scheme to have finished on time.

We have all received correspondence from farmers in the area regarding the drains. Some like the drains and some hate the drains. The amount of passion on both sides of the debate is incredible. I even understand that some farmers have almost come to blows over the drains issue. In relation to the issue of levies, in particular, I sympathise with the landholders. Many farmers complain—and perhaps rightly so—that the rates and levies imposed on them are very high. I call on the government to reconsider whether the rates imposed are fair, especially for farmers around the Keith area who live some distance from the drains. I also hear that sections of the scheme are in dire need of upgrading and maintenance—and that, also, will have to be attended to. Overall, I am relatively satisfied that the drains are working. The Fairview drain, which is 54 kilometres long, is one of the oldest drains, dating back to 1998. I am told that a recent comprehensive assessment of this drain has proved that it is now contributing to a diversion of 250 tonnes of salt per annum into the sea.

I am also happy to hear about the initiative of the Henry Creek at the Litigation Lane Weir. The area has been fed by a spring, but due to drought it dried up recently; and the wetlands there are also drying up. The wetlands are home to the Southern Bellfrog and the Southern Pygmy Perch, which are under threat. When the program's field officers saw this area at risk, they were able to divert water from a freshwater drain to save the animals. Some have pointed to bore levels being down between Bonney's Camp, North Wetland and the Northern Outlet. This is meant to show that the water table is not as high as previously thought and that the program is not necessary, but of course bore levels are lower given the recent drought.

Despite what is sometimes said to the contrary regarding internal disagreements, I am assured that the department is strongly behind the program. If it is abandoned, the estimates (and I refer to those contained in the 1993 technical papers prepared as part of the EIS process) state that 40 per cent of landholders stand at risk of permanently losing 40 per cent of their income. Approximately 175 000 hectares will be lost due to salinity and an estimated 100 jobs will also be lost due to salinity and flooding. Family First is not prepared to let this happen. Accordingly, I indicate support for the government bill.

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

## RESIDENTIAL PARKS BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 690.)

**The Hon. T.J. STEPHENS:** I advise that the Liberal Party will support the bill but will seek a minor amendment during the committee stage, and I have filed this amendment with parliamentary counsel. I thank Denis Crisp from minister Rankine's office for providing a detailed briefing on the bill and for his assistance to date. The basis of the bill comes from issues introduced into the parliament by the member for Taylor. It is designed to protect the interests of people whose principal place of residence is in a caravan park. Given recent cases in South Australia, when people living in caravan parks were given notice of eviction when the parks they lived in were sold for redevelopment, this is a relevant bill.

The member for Goyder (Mr Steven Griffiths) was responsible for handling the bill on behalf of the opposition in the lower house, and we are pleased with the very thorough job he did. However, he indicated that there were some minor issues relating to park rules, residents committees and residential park agreements, and he indicated that the opposition would discuss these matters between the houses. Even though we have drafted two amendments, on further discussion we decided to progress only the first of these in respect of guests and visitors to caravan parks. I will now briefly outline our amendment and our concerns.

As mentioned, our amendment relates to part 2, clause 6, park rules and residents committees. The Caravan Park Association made a submission on this bill. It was concerned that there was no scope in the bill for rules to be created covering visitors or guests. The association put it to us that park owners should be able to make rules concerning guests or visitors who come into a park and use the park's facilities, services and common areas, and we tend to agree with this line of thought. For example, we think it reasonable that park owners should reserve the right to make rules on the behaviour of guests and the facilities available for their use, as they are not full-time residents. The bill makes no mention of this, and we hope to see the amendment included. Essentially, in part 2, clause 6, we would like to see the words 'guests or visitors of residents' added to the list of rules that park owners can make.

Given the short time between the bill's introduction, briefings and debate on the bill, contact with a variety of groups was not possible. However, I echo the comments of the member for Goyder in the other place; that is, the opposition appreciates the Caravan Parks Association providing us with a copy of its submission on the draft bill. Thanks to this submission, and the detailed briefing provided by the minister's office, our party was able to move through the details of the bill practically and in a short time frame.

I have mentioned already that the member for Goyder monitored the passage of this bill thoroughly in the other place, so I will not elaborate on it any further. Again, I indicate the Liberal Party's general support for the bill.

**The Hon. A.M. BRESSINGTON:** This is a bill for an act to regulate the relationship between residents in residential parks and park owners, to make consequential amendments

to the Residential Tenancies Act 1995, and for other purposes. From the report on the Residential Parks Bill 2006, I note that the bill sets out the basic rights and duties proposed by the government for both parties. It is based on the types of rights and duties that arise under the Residential Tenancies Act 1995; that is, these living arrangements will be regulated very much as though the park owner is a landlord and the park resident a tenant.

This is a lazy bill, and I say that with no malice. A number of permanent residents of these caravan parks or residential parks have brought their concerns to my attention. They literally have no protection under this act, or any other act, should they be asked to terminate their residence at one of these residential parks.

I understood that an amendment to the bill was made in the other place to improve the protection of residents who have fixed-term site agreements, in a case where the park is sold. I have been unable to find such an amendment. The bill states that where a park is sold, the new owners must, within 14 days of acquiring the park, serve a notice of termination on the resident. If a resident is served a termination notice, then the resident will be able to remain in the park for the balance of the term, to a maximum of 12 months. The bill further states that this gives a resident time to find another site for their permanent home. I have spoken to builders of relocatable homes and have been told that they are not relocatable, they are not even transportable and that to attempt to move these fixtures from one park to another would cause irreparable structural damage.

The plight of people who have basically bought a home on leased land, or have decided to build one of these fixed abodes, is not addressed at all in this bill. I think the statistics show that there were about 3 500 people affected by this particular aspect of the bill. I suppose that, in the grand scheme of things, 3 500 people does not seem like a lot, but we must understand that these people are some of the most vulnerable in our community. Some of these people have invested between $85 000 and $200 000 in their relocatable homes, and they stand a very real risk of being evicted or their lease terminated. They will then have nowhere to go and no way of recouping the money that they have invested in their homes if they are unable to sell them.

Furthermore, this bill does not give protection to those living in so-called lifestyle parks, such as Seachange, Rosetta and the Elizabeth Park Village. These villages are advertised as retirement villages on the net, yet if you ring management and ask them whether the village is a retirement village they will tell you that they are a lifestyle village and do not come under the Retirement Villages Act 1987. I have been contacted by some people living in these villages who are concerned about their rights of residence and who feel, literally, insecure and unprotected by the legislation as it stands now. Because the lifestyle park advertises itself as a retirement village but is, in fact—according to management—not a retirement village, the residents are not protected by the Retirement Villages Act. This act states:

> A retirement village scheme cannot be terminated without the approval of the Supreme Court while a person who has been admitted to occupation of a unit under the scheme remains in occupation of that unit.

It goes on:

> The minister will be a party to any proceedings in which the Supreme Court's approval of the termination of a retirement village scheme is sought.

It continues:

> If the Supreme Court approves the termination of a retirement village scheme it may make such orders as it thinks necessary to protect the interests of existing residents.

As stated before, the people who live in these lifestyle villages do not have any protection against having their leases terminated and being asked to vacate the premises that they have purchased. There is no act to protect them. Simply patching up the Residential Tenancies Act (which is what I see has occurred with this particular act), and transposing it into the Residential Parks Act is not enough. Some people believe that they are protected by the Residential Tenancies Act under this new scheme, whereas, in actual fact, on a legal basis, they are not.

An application was made to the tribunal, on behalf of a number of named residents, against Elizabeth Villages. The applicants claimed that they had suffered excessive rent increases and that the management of Elizabeth Villages was guilty of breaching the terms of written agreements—this was a particular so-called lifestyle village. They were seeking an order from the Residential Tenancies Tribunal requiring that Elizabeth Villages adhere to the original contracts entered into by the parties. Before the tribunal can assume jurisdiction over the dispute it must be determined that the subject premises falls within the terms of either the Residential Tenancies Act or the Retirement Villages Act. The tribunal concluded that it lacked jurisdiction to hear the application as the subject premises did not fall within the terms of either of those acts. It would take an amendment to either of these two acts of parliament before premises such as Elizabeth Villages would become subject to the control of the tribunal.

I also note that the report acknowledges that the Residential Parks Bill does not regulate the so-called lifestyle villages, and that is a concern to me. I was told in my briefing that it would take a complete overhaul of, I think, the Real Property Act 1886 to actually meet all the requirements and needs of the people who are permanent residents in these parks; however, there is still an opportunity in this bill to meet some of their needs and provide them with a level of safety, security and protection if they have already purchased one of these homes. The people who lease the land and build, or have others build, residences on the land need to be protected, and I believe they were under the impression that their level of security had somehow been improved under this bill.

At this point I will not support the bill as it stands, but I have made arrangements for some minor amendments which may, perhaps, provide some safety and security to those people who have contacted me.

**The Hon. NICK XENOPHON:** I indicate my support for the second reading of the bill but I share the concerns that my colleague, the Hon. Ann Bressington, set out so well in her contribution. Clearly, the bill is welcome in respect of giving long-term residents of caravan parks certain rights that they have hitherto not had—and I do not think there is any dispute about that. However, the issue is whether or not those who live in so-called retirement lifestyle villages will be worse off as a result of the bill; whether the current legal position will remain or whether this bill will somehow affect their current rights. I do not know the answer to that and I would be grateful if the government could consider the sorts of cases that have been put to the Hon. Ann Bressington and a number of my other parliamentary colleagues. I believe, for instance, that the Hon. Mr Hood's office has had some representations in that regard as well.

In terms of some of these so-called relocatable or transportable homes, the point has been made that, whilst they are relocatable on paper, the fact is that once these homes (some of which cost a couple of hundred thousand dollars) are put together it is simply not practical or feasible to split them in half and then shift them off the premises. That would cause enormous structural damage, and these people would then be in a very difficult position.

Can the government advise to what extent this legislation will give protection in circumstances where the homes, for structural reasons, clearly cannot be relocated without causing significant damage? What do other states do in those sorts of situations in terms of giving rights to those people? Will this legislation impact on those sorts of situations and make the position worse, or will the current common law, under the Real Property Act and any other piece of legislation, continue to apply? What is the government planning to do in those cases for the circumstances outlined by me and by the Hon. Ann Bressington? In terms of that, is there a timetable for reform? Those are my concerns.

I have a quite distressed constituent who lives in one of these residential parks on the southern Fleurieu Peninsula, and she has expressed real concerns about what protections she will have and whether this legislation will affect her in an adverse way. I look forward to the amendments of the Hon. Ann Bressington, and I look forward to hearing from the government as to what amendments it proposes or what safety net there is for those sorts of concerns of which, I understand, the government is well aware. Clearly, the legislation will go some considerable way in doing the right thing by residents in caravan parks, and give them rights which they have not hitherto had and which obviously will be welcome.

In terms of the actual legislation, I briefly want to raise some questions as to how the bill would operate if enacted. The government's second reading explanation refers to an example of where a park operator cannot make a rule to impose a curfew on residents. Under the bill, the rules cannot cover every matter that the park owner might like to regulate—I understand that—the rules can only cover specific topics listed in the bill, such as the use of common areas, parking vehicles, the keeping of pets, refuse disposal, and the like. It then refers to the curfew issue. If residents believe that a rule is unreasonable, they can band together to apply to the tribunal to have the rule so declared and, in that case, it will be void.

My question is: what happens in circumstances where somebody makes a commitment to go into a particular park which has a particular rule that significantly attracted this person to that park—it could be a curfew rule, for instance—and there is a shift in the demographics of that particular park and the majority of people say that they want to get rid of the curfew rule, but a number of people have gone into that park, made a significant financial and emotional commitment, and the rule is changed, and that affects the amenity of those who live there. What protection is there in those sorts of circumstances where it is clear that there was a key reason, attraction, or feature for someone to move into a particular park? It could relate to a whole range of other issues. I would be grateful for the government's response to that issue.

Also, where a party to an agreement can apply to the tribunal to end the agreement on the ground of hardship, will the government indicate what sort of hardship provisions are envisaged? Are they similar to those that exist in the Residential Tenancies Act, or similar in approach to what exists now for agreements to be terminated? I welcome the anti-victimisation provision, but the concern that other honourable members (including the Hon. Ann Bressington—I know this has been put to her) and I have is that people do not want to be victimised if they speak out about conditions in a park. That is understandable. Will the government indicate what the onus will be to prove victimisation? We know that, in an industrial relations context, it is very hard to prove victimisation. What mechanisms will there be? What support will there be if there is a genuine case of victimisation to give some protection to residents who come forward with a genuine grievance in relation to what is occurring, or something that they are genuinely concerned about?

Another provision unique to the bill is that, if a resident commits a serious act of violence in the park, or if the safety of anyone in the park is in danger from a resident, the park owner may serve a notice requiring the resident to leave the park immediately. Will the government provide details of how it believes that will work in a practical sense and where the line is drawn?

The Hon. Ann Bressington has been outspoken on the issue of illicit drug use in the community, particularly methamphetamines, where there is a clear link between violent behaviour and methamphetamine use, particularly with the very dangerous and destructive derivative known as 'ice'. How would it work? If, for instance, a resident is behaving in a way that appears to be on the verge of being violent, what mechanisms are in place for that resident to be evicted? Further, in fairness to situations where false allegations could be made against a resident, what procedural fairness exists so that people are not thrown out of a park on the basis of a false accusation? These are just some of the matters that I believe need to be canvassed.

I appreciate that this is a significant piece of legislation that the government has introduced. It is certainly welcome on the whole in terms of what it is intending to do. I share the concerns of other honourable members about those who live in the so-called lifestyle villages that will not be covered. Will they be worse off, in a sense, because of this legislation and, if not, what plans are there to provide them with some protection in the short to medium term? For those reasons I support the bill, but I reserve my position on both amendments and support of the bill generally in the context of the committee stage. I can indicate that, subject to the debate and the arguments that we put forward, the first amendment filed in the name of the Hon. Terry Stephens made some sense to me, so that it would—

**The Hon. T.J. Stephens:** Don't sound so surprised.

**The Hon. NICK XENOPHON:** The Hon. Terry Stephens says, 'Don't sound so surprised.' I am not sounding surprised: I am very mellow, relaxed and comfortable—to use that terrible phrase—about that amendment. It makes some sense to me that the rules applying to visitors also should not be left to regulation. They should be prescribed, and should be a key element. That makes a lot of sense to me.

*The Hon. T.J. Stephens interjecting:*

**The Hon. NICK XENOPHON:** The Hon. Terry Stephens says he is not going ahead with the other amendment. That is good, because he did not have my support for that. On that note, I look forward to the committee stage of this bill.

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

## MAGISTRATES (PART-TIME MAGISTRATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 691.)

**The Hon. S.G. WADE:** The opposition is pleased to support this bill, as indicated by my colleague Ms Redmond in another place. I support this bill in that it recognises the important role that can be performed by magistrates and opens up that role to people who can serve only in a part-time capacity. We live in a word where, increasingly, people seek to balance a range of work, family and personal elements in their lives, such as paid employment, raising children, caring for elderly family members, volunteering in the community, and involvement in church, religious and community organisations. For many legally trained people, their other important roles are such priorities in their lives that they do not feel able to serve full-time as a magistrate.

If the state is not to lose the services of these individuals, we need to be flexible in working arrangements. Not to allow part-time magistrates is, effectively, to waste a valuable resource. I expect that this aspect of the bill will be of particular benefit to rural and regional areas. Many country areas do not generate sufficient caseloads to necessitate the employment of a full-time magistrate. Accordingly, magistrates instead tend to come through on circuits, which often results in inconvenience and delays. I trust that the provision of part-time magistrates will lead to better service, in particular, to rural and regional South Australians.

The opposition supports the bill's giving the Attorney-General the power to appoint magistrates to serve as magistrates in particular places. My colleague the Hon. Robert Lawson will address this issue in detail. Having said that, I express concern about one aspect of the feasibility of 'particular place' magistrates. In consultation on this bill, a former police prosecutor expressed his concern to me that a defendant may ask a magistrate to rule themselves out of hearing a case, if the magistrate had previously made a finding as to the character or credibility of the defendant. Having made a previous ruling, the magistrate could be perceived to be biased against the defendant. With resident magistrates, the very familiarity, which makes a magistrate better equipped to serve a local community, may also act as an impediment to the efficient administration of justice. I seek advice from the minister whether the recent experience of resident magistrates has led to an increased rate of disqualification.

The introduction of part-time magistrates is another step towards workplace flexibility. Flexibility is a key principle in the new federal WorkChoices legislation, and I commend the government for recognising the opportunities that choices at work create for individuals and communities. This is not the only example of a new dawn in this government; indeed, I note that the Premier has, himself, embraced WorkChoices flexibility by seeking to become a 'part-time' Premier. He recently applied for the part-time job of federal president of the Australian Labor Party. What is somewhat unorthodox in this bid is that the Premier apparently will continue to draw a full-time salary as Premier for a job that he would no longer be doing full-time. What was the Labor Party's response? No thanks; come back later.The opposition is pleased to support this bill and, again, I commend the government for recognising the importance of flexibility in the workplace.

**The Hon. A.M. BRESSINGTON:** I rise to support this bill. Under this legislation, persons will be able to be appointed as magistrates on a part-time basis, and those who are already full-time appointees will be able to work on a part-time basis under arrangements with the Chief Magistrate. The amendment will also provide that part-time magistrates maintain the same judicial independence as full-time appointees in preventing any engagement in other types of employment whether paid or unpaid. Part-time magistrates will be awarded remuneration on a pro rata basis.

As mentioned by the Hon. Mr Wade, magistrates travel on a circuit to country towns to hear certain cases, and I believe that the passing of this amendment will give the flexibility for appointing part-time magistrates who reside in country towns or who wish to be appointed on a part-time basis to travel to these country towns to hear cases. This will allow magistrates who reside in the city to continue to hear cases in the city without the inconvenience of travelling to the country from time to time.

Part-time magistrates' portfolios may well attract those lawyers and barristers who perhaps are coming to the end of their bar careers and who would be seeking a part-time position as a magistrate. It would also attract those people who would want to further their law career and who are interested in the experience. The flexibility of this bill enables a part-time magistrate to revert to part-time and vice-versa with the agreement of the Chief Magistrate and the approval of the Attorney-General. I was interested to hear Mr Wade's swing on that and the IR laws. Slip it in there whenever you can. This is a simple bill to understand, and I believe it has a great deal of benefit for people who would rather work as a part-time magistrate in order to devote time to other things such as charity work, community work or just retirement.

**The Hon. R.D. LAWSON:** I rise to indicate support for this bill. The principle of allowing magistrates to be appointed part-time is one that has been under examination in South Australia for some considerable time. In fact, it was under consideration before this government came into office. The experience in New South Wales, where part-time magistrates are allowed, has been positive. I certainly support the idea that the magistracy would be enhanced if there were a capacity to appoint persons to work part-time. The Hon. Ms Bressington suggested that this might be an appropriate position for a retired or retiring barrister. I think it is more likely to suit women with family responsibilities who wish to return to the legal profession but are unable by reason of those responsibilities to work part time. I believe, as the Attorney mentioned in his second reading explanation, that this amendment will make the magistracy more attractive to those persons with family responsibilities.

There is a suggestion in the second reading explanation that this could be used to allow magistrates to study part time. I am not entirely convinced that it is appropriate to encourage that sort of activity—not that I am against further education for magistrates; indeed, I think that additional training and study is very often appropriate, but it ought be done in the employee's own time, rather than taking off a few months to do a PhD, or something of that kind. However, I certainly support the principle of part-time magistrates.

Unfortunately, this government has not covered itself in glory in relation to the magistracy in this state. There was a very well-publicised stand-off between sections of the magistracy that the Attorney did not handle at all well. There is the situation we now have where there is no chief magi-

strate in office in South Australia. The previous chief magistrate, Kelvin Prescott, who did a good job in difficult circumstances, has been appointed a judge of the Youth Court, and, for some months now, there has been no chief magistrate. I note that the Attorney, in August of this year, published widely advertisements seeking expressions of interest for the position of chief magistrate, and I gather that that search was to include persons outside of South Australia, as well as within this state.

With respect to some of the activities of the Attorney-General in relation to magistrates, one has only to think of the way in which he bungled the case of magistrate Peter Deegan and the way in which the charges against magistrate Frederick were handled. These incidents have not thrown any credit upon the Attorney. I have been critical of the fact that a large preponderance of appointments to the magistracy early in the Attorney's term came from lawyers whose experience was primarily in the government service. I ought commend the Attorney, in some recent appointments, for having ensured that people who have widespread experience within the private legal profession have been appointed. For example, I think the latest is Mr Terry Forrest, a practitioner of wide experience and one who I am sure will do extremely well in the magistracy.

The only other issue upon which I should speak is the matter of resident magistrates. This bill contains provisions which will enable appointments to be made which will require a magistrate to work in a particular regional area. This matter has some considerable history, and was the subject of a very good report of the Legislative Review Committee that was published in November 1994. Anyone who thinks about it thinks that it is a good idea to have a magistrate living in a country town. The people in the city or the town generally regard it as a good thing. Some politicians seek to take political credit for the fact that they support resident magistrates, and that anyone who opposes them is not particularly interested in supporting rural and regional communities.

However, I think it is worth saying that there have been quite strong views to the contrary. A former Labor attorney-general and distinguished chief justice of South Australia, justice King, expressed very strong views against the appointment of resident magistrates. He pointed to the fact that you can require a magistrate to sit in a court in a particular town or city, but you cannot require him to live in a particular town or city. One of the things that people in most country towns think is a good idea is to have a magistrate, a leading citizen, participating in the civic life of a community, with a family, perhaps with children attending school and participating in sporting and other family activities, who is reasonably well remunerated and who can support local businesses. There is an economic advantage in having that sort of situation.

However, what was found, in the case of resident magistrates, is that they might attend the court and live in the town during the week, or for so long of any particular week that they are required to be there to discharge their functions, but at the weekend, or as soon as they possibly could, they would return to Adelaide, where their family had remained. Whilst the notion of having someone as the resident magistrate in a particular place sounds good, in practice, it does not always work like that. Former chief justice King, in a letter to the Legislative Review Committee on 18 July 1994, put it this way:

> The freedom to choose one's place of residence is a much valued personal right. Members of the judiciary may be directed by the appropriate judicial authority to sit in a court in a particular locality and at particular times. But subject to performing their duties in accordance with such directions, they should be as free as other citizens to choose their place of residence. The needs of spouses and of children, as well as their own personal lifestyles, have to be considered. It would be grossly oppressive for government to have a power to determine any judge's place or area of residence.

Another thing that many people regard as an important attribute of a resident magistrate is that they will get to know what is going on in a particular town. People might think at first glance that that is a good idea. However, one of the difficulties about that principle is that the magistrate might live in a particular town, always hearing cases prosecuted by the local police officers and the local police sergeant, with whom he obviously has a close working relationship, and might come to think that he knows who are the troublemakers in that town. This person is a troublemaker, this person has been in this trouble or that trouble. The magistrate when hearing a case when that person comes before him or her might well have in mind who he thinks the troublemakers are—whether or not this is one of them—and decide the case and fix a penalty based not upon the evidence of the case before him but because of the reputation of a particular individual.

That was another feature that former chief justice King emphasised in his strong opposition to local magistrates. He believed that the best system of justice would be delivered by having magistrates travelling to and hearing cases in a particular place for extended periods, but not necessarily being the only magistrate who serviced that area. This is an issue that ought constantly be borne in mind. What we now have is a system whereby there are resident magistrates at Port Augusta. At the moment we are in a very fortunate position because Mr Clive Kitchen, who is a long-time legal practitioner from Port Augusta and a leading citizen in that city, was appointed by this government—and I must say, one of its finest appointments to the magistracy—and he is living in Port Augusta and, by all accounts, is serving the community very well.

That is, though, in my experience, an unusual situation where the magistrate has been appointed from the town. Obviously, for family reasons, he wants to live in Port Augusta where he has been, as I say, a leading citizen, and I am sure that he has the wisdom and experience in that community, which is big enough to overcome some of the difficulties that I mentioned. On the other hand, the government has trumpeted the fact that there is now a magistrate in Mount Gambier. What is happening is that magistrates coming to the end of their term of office and before retirement are going to Mount Gambier to serve out the balance of their term. Most of them who have been undertaking this have not, as I say, been permanent residents of the district—they are commuting back and forth.

Whilst the Attorney, when he attends these places, tends to suggest to the local community, 'We are identifying your particular needs; we are giving you a resident magistrate,' he is not giving the communities as much as they want. There was a time when magistrates were actually required to sign an undertaking that they would work for the first two years of their appointment in a country centre. Regrettably that system was abused. Some magistrates signed the undertaking that they would serve in a particular place but they never fulfilled their responsibilities. They simply said that, for family or other reasons, they were not prepared to continue to travel, for example, to some outlying city and they simply

declined to serve. There were magistrates who have actually served their full term and retired but who have never served the two years that they originally undertook to serve. This legislation will enable that situation to be avoided, and it is for that reason that I certainly support it because it will enable provision to be made.

Finally I should add that prohibiting magistrates from working in other occupations, apart from those that are approved on a particular case by case basis by the Chief Justice with the concurrence of the Chief Magistrate, is a good thing. There were suggestions early on that some lawyers might like to continue in practice and serve as a part-time magistrate. In the United Kingdom it is quite common for people who preside as recorders over criminal trials to also continue to have a private practice. Personally, I am very much against any notion that somebody can be a legal practitioner, whether practising in the courts or as a solicitor, taking up the mantle of a magistrate on Wednesday, Thursday and Friday and on Monday and Tuesday going back to the office and conducting legal affairs. I seek an assurance from the minister in his second reading response that it is not the intention of the government to permit persons who are legal practitioners from continuing to practise as legal practitioners whilst holding appointments as part-time magistrates.

**The Hon. R.P. WORTLEY** secured the adjournment of the debate.

## GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF REVIEW PERIOD AND CONTROLS) AMENDMENT BILL

Second reading.

**The Hon. P. HOLLOWAY (Minister for Police):** I move:

That this bill be now read a second time.

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

Leave granted.

The Commonwealth's *Gene Technology Act 2000* established a national co-operative regulatory scheme for gene technology that seeks "to protect the health and safety of people and to protect the environment by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with GMOs". The Commonwealth's Office of the Gene Technology Regulator (OGTR) manages the scheme.

In accordance with the Commonwealth/State/Territory regulatory framework, States and Territories can regulate genetically modified (GM) crops where there are risks to markets and trade, as these are not addressed as part of the national regulatory process.

South Australia's *Genetically Modified Crops Management Act 2004* gives effect to the Government's commitment to regulate the cultivation of GM food crops in South Australia. It has the primary purpose of permitting the regulation of GM food crops in order to prevent adverse market outcomes that may otherwise occur from the unregulated introduction of GM food crops into the State's agricultural production systems. Similar legislation has been enacted by all other State/Territory jurisdictions except Queensland.

At present, GM food crops cannot be grown commercially anywhere in South Australia, by virtue of the *Genetically Modified Crops Management (Designation of Areas) Regulations 2004*. The transitional provisions of the *Genetically Modified Crops Management Act 2004* will cause these regulations to expire on 29 April 2007. The purpose of this Bill is to extend the transitional provisions so that the prohibition in South Australia expires on 29 April 2008.

The Government considers it highly desirable that any review of the regulation of GM food crops that seeks to protect market access be undertaken following consultation, and ideally in collaboration, with the other jurisdictions that have similar legislation. Victoria and New South Wales must complete reviews of their respective regulatory arrangements by the end of March 2008. Extending the transitional provisions in the current Act will allow South Australia, Victoria and New South Wales to work together to develop a shared position on the regulation of GM food crops.

Section 29(1) of the *Genetically Modified Crops Management Act 2004* requires the Minister to cause a review of the Act to be undertaken by the third anniversary of the commencement of the Act – 29 April 2007. Such a review should explore whether the conditions that resulted in the Act are still valid and if so, whether there are there alternatives to legislation to achieve the desired outcomes. A review of the Act in advance of the multi-jurisdictional consideration of market and trade issues has the potential to pre-empt efforts to achieve national consensus on these issues.

The Bill also extends the date by which a review of the Act must be undertaken from the third anniversary of the commencement of the Act to the fourth anniversary, so that the review of the *Genetically Modified Crops Management Act 2004* must be undertaken by 29 April 2008.

I am able to inform the House that the GM Crop Advisory Committee, an expert committee comprising supply chain representatives with the responsibility to provide advice on the issues and risks posed to markets by GM crops, supports the proposal to extend the prohibition and the due date for completing a review of the Act to 29 April 2008. The Gene Technology Task Force of the SA Farmers Federation also supports the 12-month extension of the prohibition on the commercial cultivation of GM food crops in South Australia.

I commend the Bill to Members.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

This clause is formal.

**2—Commencement**

The measure is to take effect on 1 January 2007. This arrangement will give a clear indication as to intention to extend the time periods under the Act.

**3—Amendment provisions**

This clause is formal.

**Part 2—Amendment of *Genetically Modified Crops Management Act 2004***

**4—Amendment of section 29—Review of Act**

The period for the review of the Act under section 29 is to be extended by one year.

**5—Amendment of Schedule 1—Transitional provisions**

The scheme for the introduction of controls on the commencement of the principal Act is to be extended by one year.

**The Hon. D.W. RIDGWAY** secured the adjournment of the debate.

## APPROPRIATION BILL

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

**The Hon. P. HOLLOWAY (Minister for Police):** I move:

That this bill be now read a second time.

In so doing, I draw members' attention to the budget speech 2006-07, which is part of the budget papers. I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

This clause provides for the Bill to operate retrospectively to 1 July 2006. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act.*

*Clause 3: Interpretation*

This clause provides relevant definitions.

*Clause 4: Issue and application of money*

This clause provides for the issue and application of the sums shown in the schedule to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

*Clause 5: Application of money if functions or duties of agency are transferred*

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

*Clause 6: Expenditure from Hospitals Fund*

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

*Clause 7: Additional appropriation under other Acts*

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act.*

*Clause 8: Overdraft limit*

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

**The Hon. D.W. RIDGWAY** secured the adjournment of the debate.

## STAMP DUTIES (LAND RICH ENTITIES) AMENDMENT BILL

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

**The Hon. P. HOLLOWAY (Minister for Police):** I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend Part 4 of the *Stamp Duties Act 1923* ("the Act") in order to restore the integrity of the land rich provisions to ensure the equitable tax treatment of transactions, which in substance relate to the transfer of interests in land.

Part 4 of the Act was enacted in 1990 to counter avoidance schemes whereby revenue was being lost as a result of the practice of artificially placing land in highly leveraged private companies or private unit trusts and then transferring the shares (or units) rather than the land itself to prospective purchasers, thereby taking advantage of financial product rates of duty, rather than higher *ad valorem* conveyance duty rates. These provisions are known colloquially as the land rich provisions.

Without the land rich provisions, it was possible to exploit the rate differential that exists between the conveyance duty charged on conveyances of land (a progressive scale up to 5.50 %) and financial product duty charged on the transfer of shares in unlisted companies (0.60 %) notwithstanding that the underlying control of the real property had changed.

The proposals contained in this Bill have been developed taking into account similar duty regimes applying in other jurisdictions to the acquisition of indirect interests in land and to respond to issues identified by industry in relation to the operation of the current provisions.

Property investment practices have changed significantly since the introduction of the land rich provisions. Sophisticated property investors are increasingly investing in land using indirect means rather than taking a direct holding of land. A number of investment strategies involve the exploitation of the existing land rich provision threshold tests, in order to take advantage of the lower financial product rates of duty.

This Bill seeks to strengthen these anti-avoidance provisions and is happening in conjunction with additional resources being allocated towards identifying avoidance of stamp duty in this area. Should additional legislative measures be identified by RevenueSA through this work, the Government will bring further amendments to this place to ensure equitable tax treatment occurs.

The first measure relates to what is known as the majority interest test.

Currently, a private entity is deemed to be a land rich entity if it owns $1 million or more of land in South Australia and the value of its entire land holding is eighty percent or more ("the 80% test") of the value of all assets owned by the entity. *Ad valorem* conveyance duty rates are then imposed on a transaction by which a person or a group of persons acquires an interest of greater than 50% in a land rich entity.

As a means of avoiding triggering the land rich provisions, major investors are no longer taking a majority interest in an indirect land holder but are regularly acquiring 50% of the entity which is a sufficient holding to influence the ownership of the entity in a manner consistent with outright control. It is therefore proposed to amend the majority interest threshold to include interests of 50% as well as interests of greater than 50%.

The second measure relates to the 80% test.

An entity owning $1 million or more of South Australian land is currently considered to be a land rich entity if the total value of its land holdings is 80% or more of the total value of its assets. This threshold has been manipulated, for example by entities that artificially increase the value of intangible assets.

In order to reduce the scope for such manipulation it is proposed to reduce the percentage of assets required to be land assets to 60% of the total value of the entity's underlying assets.

It is recognised that this may impact adversely on the farm sector which is heavily focussed on land as its major asset. The 80% asset threshold will therefore be retained for primary production entities.

The third measure brings to duty, on an aggregated basis, the acquisition of an interest of 50% or more in a land rich entity that results from a single contract of sale, from a series of such transactions or by persons acting in concert, in order to defeat the threshold tests.

The fourth measure amends the Act to confirm that the land of a private entity will be taken to include anything fixed to the land, including anything that is or purports to be separately owned from the land, unless the Commissioner is satisfied that the separate ownership is not part of an arrangement to avoid the imposition of conveyance rates of duty.

The fifth measure has been introduced in response to industry concern about the inflexible operation of the provisions in determining an entity's land assets for the purposes of the asset threshold. The Commissioner of State Taxation will therefore be given discretion to include contractual rights or interests arising in the normal course of business of an entity for the purposes of the 60% test. This amendment operates to the benefit of taxpayers.

The sixth and final measure provides an offset for duty paid on the acquisition of units in a private unit trust scheme against any land rich duty assessment. This amendment brings the Act into line with equivalent provisions in other jurisdictions and also operates to the benefit of taxpayers.

These changes are broadly consistent with similar provisions already operating in several other interstate jurisdictions.

It is estimated that the measures contained in this Bill will result in the estimated revenue collection in a full year from the land rich provisions increasing by about $4 million.

I commend this Bill to Honourable Members.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

This clause is formal.

**2—Commencement**

This clause provides that the measure will be taken to have come into operation on 22 September 2006.

**3—Amendment provisions**

This clause is formal.

**Part 2—Amendment of *Stamp Duties Act 1923***

**4—Amendment of section 91—Interpretation**

Section 91 of the *Stamp Duties Act 1923* provides definitions for the purposes of Part 4. This clause substitutes new definitions of the terms ***land asset*** and ***local land asset***. Those terms are to be defined by reference to new section 91A (inserted by clause 5).

The definition of ***majority interest***, which defines the term to mean an interest in an entity of more than 50 per cent, is removed. In its place, a definition of ***significant interest*** is inserted. A significant interest in a private entity is a proportionate interest in the entity of 50 per cent or more. A private entity (that is, a private company or a private unit trust

scheme) is a ***primary production entity*** if the unencumbered value of the entity's underlying local primary production land assets exceeds 50 per cent of the unencumbered value of its total underlying local land assets. A ***local primary production land asset*** is a local land asset consisting of an interest in land that is used for the business of primary production. (***Business of primary production*** is defined in section 2 of the Act.)

**5—Insertion of section 91A**

Under the definition of ***land asset*** included in new section 91A, a land asset is an interest in land, other than a mortgage, lien or charge or an interest under a warrant or writ. This definition is consistent with the existing definition. However, under the new section, a private entity's interest in land will be taken to include an interest in anything fixed to the land, including anything separately owned from the land unless the Commissioner of State Taxation (the ***Commissioner***) is satisfied that the separate ownership is not part of an arrangement to avoid duty. In these circumstances, the Commissioner may determine that a private entity's interest in land did not include an interest in the separately owned property.

The new section defines ***local land asset*** to mean a land asset consisting of an interest in land in South Australia. This is consistent with the current definition.

**6—Amendment of section 93—Notional interest in assets of related entity**

The amendments made by this clause are consequential on the insertion into Part 4 of the term "significant interest" in lieu of "majority interest".

**7—Amendment of section 94—Land rich entity**

This clause amends the definition of ***land rich entity*** so that a private entity owning South Australian land valued at $1m or more is a land rich entity if the total value of its landholdings is 60 per cent or more of the total value the entity's assets. The current threshold of 80 per cent is retained for primary production entities.

Under section 94(2), contractual rights or interests, other than certain specified rights or interests, are not to be taken into account in determining the value of a private entity's assets. As a consequence of the second amendment made by this clause, a contractual right or interest is to be taken into account if the Commissioner is satisfied that it was acquired in the course of the normal business of the entity and not as part of an arrangement to avoid duty payable under Part 4.

**8—Amendment of section 95—General principle of liability to duty**

The amendment made by this clause is consequential on the insertion into Part 4 of the term "significant interest" in lieu of "majority interest".

**9—Insertion of sections 95A and 95B**

New **section 95A** provides for the aggregation of interests in a land rich entity acquired through associated transactions (see below) that occur on the same day or within 3 years of each other.

An ***associated transaction***, in relation to an acquisition of an interest in a land rich entity by a person or group, is an acquisition of an interest in the entity by any person in circumstances in which the persons are acting in concert or in which the acquisitions form, evidence, give effect to or arise from substantially one arrangement, transaction or series of transactions.

Under new **section 95B**, a ***relevant primary production entity*** is a primary production entity that would be a land rich entity under section 94(1) but for the fact that the value of its landholdings is less than 80 per cent of the total value of its assets. Section 95B applies to a transaction whereby a person or group acquires or increases a significant interest in a relevant primary production entity if the entity ceases within the period of three years following the transaction to be a primary production entity. Duty is payable under Part 4 in respect of the transaction as if the entity had not been a primary production entity at the time at which the person or group acquired or increased the interest in the entity.

**10—Amendment of section 96—Value of notional interest acquired as a result of dutiable transaction**

The amendment made by this clause is consequential on the insertion of the term "significant interest" in lieu of "majority interest".

**11—Amendment of section 97—Calculation of duty**

The first amendment made by this clause is consequential on the insertion of the term "significant interest" in lieu of "majority interest".

This clause also amends section 97(5), which provides a duty offset where a person or group acquires or increases a significant interest in a land rich entity through the acquisition of financial products and pays duty on those products. As a consequence of this amendment, a duty offset will also be provided if a significant interest in a land rich entity is acquired or increased through the acquisition of units in a private unit trust scheme and duty has been paid in respect of the acquisition.

**12—Amendment of section 98—Acquisition statement**

This amendment is connected to the insertion of new section 95B (clause 9). Under new section 98(1a), a person or group that acquires or increases an interest in an entity by virtue of a transaction to which section 95B applies is required to lodge a return with the Commissioner. This means that the return is to be lodged where a person or group acquires an interest in a primary production entity that is not a land rich entity at the time of the acquisition, only because the value of its landholdings falls below 80 per cent of the total value of its assets, if the entity ceases within three years of the acquisition to be a primary production entity.

The person or group must lodge the return within two months following the date on which entity ceases to be a primary production entity and must also pay the relevant amount of duty within that period.

**13—Amendment of section 102—Multiple incidences of duty**

The amendment made by this clause is consequential on the insertion into Part 4 of the term "significant interest" in lieu of "majority interest".

**Schedule 1—Transitional provision**

**1—Transitional provision**

This provision makes it clear that the amendments made by the Act apply only in relation to transactions entered into following the commencement of the provision.

Section 98(1), which requires lodgement of a statement within two months of the date of a dutiable transaction, applies to transactions entered into after the commencement of the provision but before the day on which this Act is assented to by the Governor (the ***day of assent***) as if the period of two months referred to in section 98(1) ends two months after the day of assent.

**The Hon. T.J. STEPHENS** secured the adjournment of the debate.

## ADJOURNMENT

At 6.15 p.m. the council adjourned until Wednesday 1 November at 2.15 p.m.