LEGISLATIVE COUNCIL

Wednesday 12 September 2007

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the sixth report of the committee for 2007.

Report received.

AUDITOR-GENERAL

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a ministerial statement made today in relation to the appointment of the Auditor-General and the former auditor-general by the Premier.

LEGISLATIVE REFORM

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a ministerial statement in relation to legislative reform made by the Minister for Education and Children's Services (Hon. Jane Lomax-Smith) in the other place.

QUESTION TIME

POLICE SECURITY

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Police a question about police security.

Leave granted.

The Hon. D.W. RIDGWAY: In June this year, documents were stolen from an unmarked police car and subsequently some of those documents found their way into the hands of The Finks motorcycle gang and, unfortunately, not all of those documents, as yet, have been recovered. On that occasion, along with the Hon. Martin Hamilton-Smith (the next premier of South Australia), I sought a briefing with two members of the senior executive group of SAPOL—

The PRESIDENT: Order! We will certainly not be full of opinion.

The Hon. D.W. RIDGWAY:— and was advised of the lengths to which the police were going to recover the documents. I also canvassed with them a number of options for increasing security in police vehicles. One option was to install in police vehicles a mechanism whereby a briefcase can be locked and secured into a vehicle, and we are advised that in those circumstances it can be removed only with an oxy torch or an angle grinder. In fact, that same locking mechanism may well be installed in police officers' homes so that briefcases can be secured at home.

Unfortunately, on Saturday 1 September, I, along with the rest of the South Australian community, was alarmed to read that another South Australian police vehicle had been broken into and documents stolen; this time from the boot of that car. Unfortunately, over the next couple of days, Channel 10 did a quick whip around the city and discovered a number of police cars—marked and unmarked—with documents and equipment in full view of the public. This is a serious concern for all South Australians, and police security in general has been raised as a serious concern not only in cars but also police stations. We saw the Yalata Police Station recently burnt down. In relation to police houses, on a number of occasions the safety of police officers' wives and families has also been raised with the opposition. Late last week the Police Association called for a broad-ranging inquiry into police security. My questions to the minister are:

1. Has he instigated this inquiry and commenced it and, if not, why not?

2. Has the minister provided sufficient or extra funds to SAPOL and the Commissioner for the installation of secure briefcase locking devices in vehicles?

The Hon. P. HOLLOWAY (Minister for Police): This government has provided the police force with a record budget. It is well in excess of the inflation increase in the budget for the police for all of their needs. In relation to the theft of documents from a vehicle, the facts were that this was a plain-plated car, it was broken into and a briefcase and its contents were stolen. The briefcase contained an official SAPOL list of senior officers' names, addresses and telephone numbers, a police identification wallet, assorted administration documents and personal items. I am informed that there were no sensitive or confidential documents inside the briefcase.

If the honourable member is suggesting that police should not take documents with them or have them in their car, that would be totally impractical. Channel 10 may well go around and take pictures of documents in cars, but many of them would be traffic infringement books, so that if police come across someone breaking the law they can issue an infringement notice. Obviously they would have such books in their cars, and one would not expect that when they are out of the vehicle they would necessarily take such items with them. Police have standing orders which dictate that where possible they should take documents inside if they need to have them at home. Following the theft earlier this year, the police have been looking at alternatives, but if it was to involve new technology clearly that can only be done over some time with replacement vehicles and the like, and that matter is under investigation by the police.

It has also been suggested that some of this information should be stored electronically, but that raises issues in terms of security. Clearly, if electronic information is intercepted in some way, one of the worst aspects is that you would not necessarily know that it had been taken. There are some limitations with all other forms of technology. From time to time police will need to take documents with them and, like everyone else in the community, police occasionally will need to leave their cars. Police officers, like all other members of the Public Service and even the private sector, would be expected to do what they can to best secure any documents in the vehicle. As I understand the standing orders of the police, when they are at home or at a private location for some time, they should take those documents inside. One could have a situation where, if there was a break-in of a house and police documents were stolen from a police officer's house, would we regard that any differently from a vehicle being broken into?

Clearly police officers need to do more to secure documents and not take them with them if they do not need to. One would expect that, as a result of the recent theft, it should underline to every police officer their obligation to ensure that they should not take documents which, if stolen, might prove valuable to any criminal, and that they should do everything they can to secure them in relation to technology.

There are limitations with every form of technology, but the police are looking at alternatives, and I will provide the honourable member with a written response in relation to the stage the investigations have reached.

The Hon. D.W. RIDGWAY: Has the review of police security, as requested by the Police Association, commenced?

The Hon. P. HOLLOWAY: I understand the Police Commissioner has been looking at these issues since the original theft of documents. That work is already under way, as one would expect following the first investigation. Of course the police will respond to these issues, including by reminding officers of their responsibilities in this area. I remind the council that there was an incident where a cabinet minister in the former government had documents taken from a vehicle parked at a hotel. Of course, at that stage it happened to be very convenient because, as I understood it, those documents related to the soccer stadium. The loss of those documents proved to be very convenient. I will bet that at times everybody in this parliament would have had documents in their vehicle—

Members interjecting:

The Hon. P. HOLLOWAY: Well, I can only repeat that, in relation to this recent incident, my advice is that there were no sensitive or confidential documents within the briefcase that were taken.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, and obviously they would be changed. There were no sensitive or confidential documents within the briefcase. Nevertheless, clearly, all police officers need to secure documents, as indeed do members of this parliament, because I am sure that all of us, at times, have had documents in our cars. If on the way home you need to stop off at the shop, or something, what do you do? You do your best to secure them. I do not think anyone would carry documents around in a shopping centre if they stop in there on the way home.

I think that we need to be practical in relation to this. If we all reflect on our own situation, we can see why these sorts of things happen, particularly with documents that may not be super secret. Nonetheless, I am sure that these incidents will remind all police officers—and the rest of the community—that we need to do everything we can to secure such documents. I will get an update for the honourable member in relation to the investigation into alternative security arrangements.

SANDAS MEMBER SURVEY

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question on the SANDAS Member Survey.

Leave granted.

The Hon. J.M.A. LENSINK: I have received a copy of the South Australian Network of Drug and Alcohol Services Member Survey of 2007 in which a number of particular challenges are outlined. Those include—no surprise—the number one issue of funding, recruitment and retention of staff, bonus reporting requirements and bringing services back inside government. I will refer to some of the quotes from the survey which highlight the issues. Under 'Funding', the survey states:

> Some members have reported cuts in funding in the face of increased demands.

Indeed, there is a comment further on in the document as follows:

> Agencies were further implicated financially by 'government attempts to reclaim unused moneys' and by the state government's lack of financial commitment over time.

The issue of compliance is referred to under the tender process, with 'the tender process becoming excessive'. One agency described it as being at 'ridiculous levels'. Can the minister advise which agencies it has tried to pinch money from, and how much? Can she identify which services, in particular counselling services which used to be provided by non-government organisations, the government has taken back into the government sector?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): The South Australian government certainly recognises the very important contribution of the NGO sector not only to drug and alcohol services but to a wide range of services throughout South Australia. It plays a very vital part in service delivery in our community. Through our Department of Health's Drug and Alcohol Services program and Drug and Alcohol Services South Australia (DASSA), the government will provide $4.642 million, plus CPI increases, in the 2007-08 financial year to non-government alcohol and drug sector organisations providing services here in South Australia. I have been advised that this does, in fact, maintain the level of total state funding to non-government drug and alcohol services; it is actually maintaining the past funding plus CPI to be added.

The government has provided funding of $206 000 over three years for the establishment of a non-government peak body known as the South Australian Network of Drug and Alcohol Services (SANDAS); and, in providing funding to that organisation specifically, we are acknowledging the need to provide enhanced support for this important sector and to have a peak body to assist in the organisation and to enable better liaison and communication within the sector. I am delighted at the progress that has been made in relation to that.

That deals with the overall funding question. The advice I have received is that there have been no funding cuts to drug and alcohol services—in fact, there has been an increase with it being adjusted to CPI. In relation to any specific programs, I would need to seek further advice.

The Hon. J.M.A. LENSINK: This may seem like a stupid question, but is the minister indicating that she will take on notice the specific questions outlined at the end of my question and bring back a response?

The Hon. G.E. GAGO: I am happy to do that.

SAFECOM

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

Leave granted.

The Hon. S.G. WADE: In a statement to the *Mount Barker Courier* dated 31 July 2007, the minister commented on the transition from volunteer to paid in the CFS, saying:

> There is no transition plan. It is about managing risk by making the best use of the available resources—and we are doing that by using SAFECOM's existing risk management tool, which does meet the ever-changing challenges of population growth and the safety needs of the community.

I note that the Southern Suburbs Working Party brought together SAFECOM and other sector officers to consider emergency services delivery in the Onkaparinga council area. At the end of 2006 the working party concluded that the data did not support the need for an immediate change to the level or type of resourcing in the council area, and that a decision may need to be revisited within a two-year time frame. However, a 24-hour MFS station was announced in the June budget around six months later. My questions are:

1. Given that the SAFERS tool was abandoned by SAFECOM earlier this year and that the SARAM tool is still under development, to what risk management tool was the minister referring in her statement to the *Courier* when she referred to the 'existing risk management tool'?

2. Was that risk management tool used in the decision to establish a 24-hour MFS station at Seaford and override the recommendations of the Southern Suburbs Working Party?

3. Will the minister table the data that shows that Seaford was the highest priority for resources compared with the competing needs of other areas, as assessed by the tool?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I urge members opposite to get over it and move on. This is the first government in a long time to actually recognise the risk that the ever-expanding urbanisation of our southern suburbs poses for that community. Indeed, the opposition should congratulate this government—as did the former minister for emergency services, Robert Brokenshire, on radio—for making a decision and taking responsibility for putting in an MFS station in the southern suburbs. I am sure the good residents of the southern suburbs would be very interested to hear that those opposite do not actually want to put an extra layer of security and safety into that community.

The Hon. B.V. Finnigan interjecting:

The Hon. CARMEL ZOLLO: Perhaps that is the problem; they do not hold those seats outside the eastern suburbs. I refer the honourable member to the estimates committee meetings that were held. Clearly, he could not attend because he is a member of this council, but the new commissioner of SAFECOM (from 1 October), Mr David Place, outlined what process was used. It was decided that the SAFERS process would take a very long time. Apparently, if one was able to feed in all the data, it would take some five years or so. So, we are now looking at the SARAM tool.

A tool is just a means of being able to work out what risk a community faces. We need to remember that statistics should be looked at very carefully. If one were to look, for example, at some statistics with respect to the workload having increased in a particular brigade or MFS station, one would always have to compare what the situation was beforehand. You could say, 'Well, they had two incidents one year and four the next; it has gone up 100 per cent.' Clearly, one has to look at any data properly.

The tool, or the risk, that was looked at in the southern suburbs, in particular, was not very sophisticated, in terms of really managing a risk, and that is the response time. The response times were increasing for both the MFS and the CFS. As I said, the community in the southern suburbs deserves to have a proper service that looks at both the CFS risk and the MFS risk. Both those agencies, along with the SES, are now working on a transition plan that sees all of them cooperating and working for their community—and, indeed, a safer community. It is a disgrace, as I said, that members opposite do not want to add another layer of security and safety to the community of the southern suburbs.

The Hon. S.G. WADE: I have a supplementary question. I would like to remind the minister that the estimates hearings to which she referred occurred on 3 July, which was almost a month prior to her comment to the *Courier* on 31 July. Considering that Mr Place advised the estimates committee on 3 July that—

The PRESIDENT: Order! The honourable member will ask the supplementary question without explanation.

The Hon. S.G. WADE: It does come out of the minister's answer. She referred me to estimates: I did not mention estimates.

The PRESIDENT: With a supplementary question there is no explanation: just ask your question.

The Hon. S.G. WADE: I am just trying to ask the minister this: if Mr Place could advise estimates on 3 July that the SAFERS tool had been abolished, how could the minister tell the *Mount Barker Courier* on 31 July that SAFECOM has an existing risk management tool?

The Hon. CARMEL ZOLLO: As I said to the honourable member, if he wants to refer to estimates, he will see that Mr David Place said that SAFECOM was using the SAFERS tool but had decided to abandon it in the form in which it was, and it is now working on a tool called the SARAM tool—or, indeed, is developing it to its full potential. As I said, it is a disgrace that this government, which is the first one to have a risk mitigation plan for the community of South Australia, is being hammered by those opposite, who do not want to see another added layer of security to those people who live in our southern suburbs—people who in the future will share three services: the CFS, the MFS and the SES. Indeed, the good people of Burnside have all those services, while the good people of Campbelltown, Tea Tree Gully and—we have four—

The Hon. J.S.L. Dawkins interjecting:

The Hon. CARMEL ZOLLO: That is Salisbury. Thank you very much; Salisbury as well. We are not reinventing the wheel here; we are simply giving the services to our community that they deserve.

NATIONAL CRIMINAL INVESTIGATION DNA DATABASE

The Hon. R.P. WORTLEY: My question is to the Minister for Police. DNA profiling is the single most important advance in police investigation techniques since the development of the fingerprint classification system in the late 19th century. Can the Minister for Police advise how the new National Criminal Investigation DNA database will enhance the ability of South Australia Police to solve more crimes more quickly?

The PRESIDENT: The honourable member must seek leave to make an explanation.

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his very important question. The National Criminal Investigation DNA database will provide our police and forensic scientists with a powerful investigative tool. Earlier this year, the Attorney-General signed a national agreement that allows South Australia to participate in a national DNA database, enabling us to share information freely with the commonwealth and other states and territories.

In an era where there is greater mobility and where crime often crosses jurisdictional boundaries, it is important that there is a national approach to many policing issues. The sharing of that information through a national criminal

investigation DNA database now allows our police to track offenders wherever their profiles are held.

The agreement signed by the Attorney-General enables our police and forensic scientists to compare DNA profiles from crime scenes with profiles of convicted offenders, so immediately identifying potential suspects where matches occur. They can compare DNA profiles from convicted offenders and, where legislation allows, suspects with profiles from unsolved crime scenes for which they may not previously have been suspects. They can also match DNA profiles from two or more unsolved crime scenes, thereby linking seemingly unrelated police investigations.

Victoria is the latest state to join the national database. Victoria's addition is a significant development which builds on the existing DNA arrangements that South Australia already has in place with the commonwealth and other states. This now leaves New South Wales as the only state not yet involved in cross-jurisdictional DNA matching with other states. I am look looking forward to New South Wales joining very soon and making the national database a truly national crime fighting tool.

Forensic Science SA has already uploaded more than 18 400 DNA profiles and more than 8 300 crime scene profiles since South Australia joined the national database on 14 August. To date, South Australia Police have made links between 900 samples held in South Australia and samples held by other jurisdictions through this database. However, I must stress that this does not mean there will be hundreds of crimes solved; rather, there will be many crimes where fresh evidence gives our police strong new leads to follow in a range of cases.

The national database will make it far more difficult for criminals to hide and not be detected for committing serious crimes and will give our police a better chance of cracking unsolved crimes. The government I believe has a good story to tell in terms of the use of DNA. We recognised the importance of DNA as a powerful tool for crime fighting when we changed the law to force all prisoners in South Australian gaols to be DNA tested. Of course, in this parliament in the past 12 months we introduced some of the toughest DNA laws in this country. Under the laws that have been introduced by this government, DNA can be taken from any person suspected of having committed an indictable offence or any summary offence punishable by imprisonment. We have also changed the laws to allow all lawfully obtained profiles to be permanently retained.

So, with these tough DNA laws and now the ability to share information with other states and territories through the National Criminal Investigation DNA database, we are giving our police a powerful crime solving tool which will substantially increase clearance rates. As more crimes are solved more quickly, the police will be able to investigate more crimes and, as more crimes are investigated and solved, South Australia will become a safer place.

RAINWATER TANKS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation on behalf of the Minister for Water Security a question about the rebate available for plumbing a rainwater tank for residential premises.

Leave granted.

The Hon. A.L. EVANS: The South Australian water information statement on the increased rainwater tank rebate describes the rebate scheme for plumbing tanks in household water supplies as being capped at $500 000 a year for four years. Anecdotal evidence Family First has obtained from the plumbing industry indicates that the rebate will cover only some 20 to 30 per cent of the real cost once you factor in some or all the things householders might require to be entitled to the rebate, being the purchase price for the tank, labour costs for a plumber, the pump, the backflow valve system, paying an electrician to install the power for the pressure pump, copper piping and other materials. My concern is that the average cost for a household might be between $500 and $2 500 after securing the rebate, which would put the cost of work outside the reach of a considerable number of families who want to do something good for the environment. The government rebate may not go far enough. My questions are:

1. What exactly is meant by the capping of the funding at $500 000 a year for four years?

2. What will happen if the cap is reached before the end of a given financial year or the end of the lifetime of the project?

3. Will the government increase or diversify the water saving rebates to bring the rainwater tank plumbing regime within the reach of the majority of South Australian families?

The Hon. G.E. GAGO (Minister for Environment and Conservation): The rebate in relation to rainwater tanks is, in fact, my responsibility, so I am happy to answer that question. The administration of this scheme is delegated to SA Water, so that is probably why there is some confusion about it. Given that I am the responsible minister, I can say that on 1 July 2006 it became mandatory in South Australia to install rainwater tanks and to have that water plumbed into the house for all new developments and also in the instance of some extensions or alterations to existing homes. Exemptions from the requirements exist and have been put in place for extremely low income earners and variable rainfall areas such as Roxby Downs and Coober Pedy.

The additional water supply is required to be plumbed into a toilet, a water heater or cold-water outlets in the laundry of all new homes. The regulatory requirements form part of South Australia's provision of the Building Code for Australia 2006. To further build on our mandatory rainwater tank requirements for new houses the government introduced the rainwater tank and plumbing rebate scheme (which came into existence from 1 July 2006), initially providing rebates of up to $400 to plumb new or existing rainwater tanks into homes built or approved before 1 July 2006. As I said, SA Water is responsible for administering that scheme.

Following a review of that scheme, in the first six to nine months it appeared that there was not a particularly significant uptake of the scheme, so we conducted a review and the government increased the maximum rebate from $400 to $800 in April 2007. Under the revised provisions the current rebates are up to $800 to purchase a new rainwater tank and plumb it into an existing home, up to $600 to plumb a rainwater tank into an existing home and up to $200 for a new rainwater tank of 1 000 litres or more plumbed into the home. This $200 rebate applies to people wishing to add an additional or replacement tank, for instance, to their existing plumbed system.

Obviously, we continue to monitor the scheme's effectiveness, and the government is investing half a million dollars a year over four years, commencing in 2006-07. The total water savings from both the mandatory requirements and the

rebate scheme are estimated to be in excess of 4.1 billion litres of water per annum by the year 2025.

I have been advised that, in the first nine months of the scheme, we approved about 140 requests for a rebate, but around 671 have been provided since, that is, in the previous five months. I am very pleased to announce that last month 149 rebates were provided, with 55 pending approval. In July the figure was 143. So, overall, since the scheme was introduced in July last year, 818 rebates have been provided, totalling more than $363 000. At present, there is not an issue of exceeding the current annual funding allocation. In fact, we are very pleased with the way that the scheme is proceeding.

South Australia has the highest percentage of rainwater tanks (48 per cent in our homes) compared with any other state, and we are keen to maintain that figure. It is a rebate scheme, an incentive scheme. It was designed to assist people to offset the cost of tanks and plumbing. It was not designed to fully cover the cost—it never was. I am very pleased to draw to people's attention that, in the Premier's statement yesterday in announcing our future water directions, he also announced that the Minister for Water Security—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I can see that everyone is hanging off of this. The Premier announced that the Minister for Water Security has directed SA Water to prepare a detailed proposal for incentives to save water inside the home. These, obviously, could include extending the existing rebates on rainwater tanks and on shower heads, and there is also the possibility of new rebates for other water-saving devices, such as grey water systems and dual flush toilets. So, obviously, we look forward to the outcome of that proposal.

The Hon. D.W. RIDGWAY (Leader of the Opposition): Does the minister have a rainwater tank attached to her house?

The Hon. G.E. GAGO: Unfortunately I live in an apartment building that does not avail itself of the installation of a rainwater tank, but I am very pleased to say that I have implemented a range of water-saving devices—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO:— in my home, including a reduced-flow shower head, and other measures as well.

Members interjecting:

The PRESIDENT: Order! The minister does not need a rainwater tank; she has a shed full of Grange!

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of FOI.

Leave granted.

The Hon. R.I. LUCAS: At the last election, Treasurer Foley claimed, in his costings document, that the future ICT tendering arrangements would save $30 million a year to taxpayers. Since then, leaks from within Treasury and the former department of DAIS have cast significant doubts on those claims. As you would be aware, Mr President, the Budget and Finance Committee has been in relentless pursuit of the truth in relation to this issue. In recent months, a whistleblower has provided information to the opposition about the claimed $30 million in annual savings. As a result of that information, the opposition (the Liberal Party) lodged a number of freedom of information applications to all government departments and agencies.

This whistleblower has now revealed that Treasury, and Treasury officers, summoned more than 40 public servants to a meeting on 29 August this year at 2 o'clock to 'provide some background context to much of the material likely to be captured which may assist agencies in making their deliberations'. The whistleblower has now, helpfully, provided further material, including a copy of the minutes of that meeting of more than 40 public servants.

The whistleblower has stated, 'The meeting was an appalling abuse of authority by the Department of Treasury and Finance. Senior DTF officers made clear that only documents specifically mentioning savings should be released, not documents relating to cost pressures, but they always added that "of course it is up to individual agencies to decide"'. The whistleblower further went on to state, 'It was a shameful exercise in bullying and harassment'. Further on, the whistleblower said, 'The message was made loud and clear—release nothing that doesn't support DTF policies'. My questions to the Leader of the Government are as follows:

1. Is it correct that Ms Carolyn Synch, who is not an accredited FOI officer, from his political and ministerial office, attended this meeting and that Mr Tim Ingram, the accredited FOI officer from his department, also attended this meeting at the request of Treasury?

2. If it is true that an officer from his ministerial or political office did attend this meeting and that she is not an accredited FOI officer, why did Ms Synch attend this meeting and on what basis was she attending the meeting?

The Hon. P. HOLLOWAY (Minister for Police): I have no idea whether Ms Synch from my office attended the FOI meeting—

The Hon. R.I. Lucas: I bet you don't.

The Hon. P. HOLLOWAY: Well, I don't—I have no idea. Unlike the previous government—

The Hon. R.I. Lucas: You know nothing all the time.

The Hon. P. HOLLOWAY: We know that with FOI the previous government knew what was happening because it had officers, including senior officers from the then premier's office, in there sorting through the documents and censoring them quite illegally, which was one of the reasons the previous government was thrown out of office. Unlike the previous government, I do not interfere in any way with FOI issues. As far as I am aware, Ms Synch handles the FOI requests from my office because, if I recall the FOI process correctly, ministers also respond—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: In relation to requests. Documents are held by ministerial—

Members interjecting:

The PRESIDENT: Order! The minister will resume his seat until the council comes to order. If opposition members want to waste their question time interjecting, it is entirely up to them.

The Hon. P. HOLLOWAY: Documents are held in ministerial offices as well as within the department, so there needs to be some coordination between ministerial offices and departmental offices in relation to FOI. As far as I am aware, Ms Synch is accredited in that sense to deal with the FOI documents, and I do not interfere in any way with what she does. The former leader of the opposition, the opposition leader in waiting, who is ready to do a Lazarus—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I know why you're embarrassed: you know that you are just warming the chair for a year or so until the Hon. Rob Lucas comes back. In relation to whistleblowers, I suggest that in fact the honourable member has received information from a Liberal who is breaking the laws of this state. If the honourable member wants to talk about freedom of information laws, perhaps he should be concerned not about whistle blowing but about people supplying information, which they should not be doing.

The future ICT project of this government will take some time to implement. A lot of work is being done, and it is absurd to make the allegations the former leader of the opposition is making. It is a farce. I hope the Independent members of this parliament can see, as predicted, how this committee, which the opposition has appointed and the former leader chairs, is abusing processes. It is supposed to be conducting an inquiry, but it is raising these matters within parliament. If there is anything further to add, I will look at the question again and take it on notice.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. Wortley interjecting:

The PRESIDENT: Order, the Hon. Mr Wortley!

Members interjecting:

The PRESIDENT: Order! We can have a conversation across the chamber if you want to let question time run down.

Members interjecting:

The Hon. J.S.L. Dawkins: Are we going to have a question?

The PRESIDENT: Yes, when the opposition and the Hon. Mr Wortley settle down.

NATIVE SPECIES

The Hon. I.K. HUNTER: With advice like that, you do not need much more! I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about threatened native species.

Leave granted.

The Hon. I.K. HUNTER: South Australia's Strategic Plan clearly states the importance of protecting our biodiversity and halting the loss of our native flora and fauna. It is a timely reminder that we marked Threatened Species Day last Friday with a national campaign to raise awareness of these issues. Will the minister inform the chamber what the state is doing to assist species under threat?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his most important question, and his ongoing interest in the important issue of biodiversity. I am pleased to report that several important announcements were made to coincide with Threatened Species Day. The first of these involved encouraging data gathered by the Department for Environment and Heritage showing that the vulnerable yellow-footed rock-wallaby colonies in the rugged ranges of Outback South Australia are bouncing back from the brink of extinction.

These positive initial findings have come from this year's survey conducted by DEH as part of its long-running 'Operation Bounceback' program. Of particular interest has been the increase in numbers observed at some of the most 'at risk' colonies, including those in Mount Remarkable National Park in the Flinders Ranges and the Bimbowrie Conservation Park in the Olary Ranges, where the numbers have almost doubled—up to 370 from 190 last year. These results are welcome as much as they are unexpected due to the very dry conditions in the ranges, particularly in the period leading up to the survey.

I am happy to say that the increase in wallaby numbers at some sites appears to be largely due to habitat restoration efforts, including fox and goat control, which has significantly improved the habitat quality for the wallabies. I would like to congratulate officers from the DEH, as well as indigenous land managers, for their tremendous efforts and commitment in this area.

This year's survey results also sit well with our 'No Species Loss' biodiversity strategy released last month, an important part of South Australia's Strategic Plan. I am pleased to say that the government has allocated $2 million over the next 12 months towards developing a strategy and funding recovery plans for threatened species. As well as the good news on the wallaby front, I am pleased to report that a new teaching resource for schools, called Ocean to Outback, was unveiled at Cleland Wildlife Park to mark Threatened Species Day. This valuable classroom resource that was launched includes a pack of cards that depict the wildlife and landscape of our Ocean to Outback environments. It will also be available to download, and it will help teachers plan learning programs that explore biodiversity sustainability and conservation of South Australia's natural assets.

Importantly, this new classroom resource is designed to be a precursor to visiting Cleland Wildlife Park, and it is linked to an interactive display also called Ocean to Outback which opened in February 2006. By learning about the display before they visit Cleland, students effectively double the experience of visiting the park by having an understanding of the issues covered before they even enter the gates. Already, teachers have welcomed the exhibit as a means of engaging their students with hands-on activities that stimulate thought-provoking messages about conserving our environment.

The new resource will assist teachers in preparing learning programs before visiting the exhibit and provide further learning opportunities and activities on returning to the classroom. The Ocean to Outback education resource focuses on four South Australian environments—coast and islands, arid ranges, deserts and backyards—with references to Cleland Conservation Park and Cleland Wildlife Park. The Ocean to Outback education resource is available with attendance at one of Cleland's professional development workshops. The workshops provide training with the resource and are aligned to a range of facilitated learning opportunities offered by Cleand Wildlife Park staff. The next professional development workshop is planned for 12 October 2007.

I believe this government is certainly living up to its commitment to preserve our biodiversity and ensure that generations to come will be able to enjoy South Australia's environment in the manner in which we enjoy it today—proof of which is in these latest announcements.

SEARCY BAY

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about development at Searcy Bay.

Leave granted.

The Hon. M. PARNELL: The development assessment panel of the District Council of Streaky Bay is currently considering the construction of a house on an undeveloped

stretch of coastline at Searcy Bay on the state's West Coast. Concerns have been raised about the appropriateness of this development—in particular, that the house is intended to be built on a headland overlooking Heart Cove on a cliff-top which is close to critical nesting sites of the white-bellied sea eagle and the osprey. As members might know, this area is the habitat of one of the last pre-European concentrations of these birds on the Australian mainland. It is also my understanding that the Coast Protection Board recommended that the development not be approved, but that that recommendation is being disregarded.

Concerns have also been raised about the approval process. In particular, I understand a complaint has been lodged by the Friends of Sceale Bay, which is the adjoining bay. Members of that residents group are very active and passionate defenders of the environment, and the group has made a complaint about the conduct of a member of the council's development assessment panel. The allegation is that the panel member breached the Development Act by failing to disclose a pecuniary interest in the matter, and actively participated in the development assessment panel debate on the proposal. My information is that not only is the panel member the brother of the development's proponent but he is also director and 50 per cent shareholder of the company that is to build the house in question.

I understand that the development assessment panel has indicated that it will make a decision at its next meeting on 28 September. Given the controversial nature of this proposal and the need to consider the complex issues of wildlife, environment and visual impact, the Friends of Sceale Bay believe that the Streaky Bay assessment panel is unable to deliver a competent, unbiased adjudication of the development application, and I share those concerns. My questions are:

1. What actions has the minister taken in this case?

2. Has the minister asked for the development application to be voluntarily referred by the local development assessment panel to the Development Assessment Commission; if not, why not?

3. What action will the minister take if the council does not refer the matter to the Development Assessment Commission?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the honourable member for his question in relation to this development; I know that he did write or email me in relation to this matter some time back. I also know that my colleague the Minister for Environment and Conservation is aware of this matter and that she wrote to the Mayor of Streaky Bay urging the council to carefully and fully consider the advice provided on the matter by the Coast Protection Board.

If I remember correctly, when the honourable member wrote to me he suggested that I should call in this proposal to the Development Assessment Commission. I did take some legal advice in relation to the matter, and I believe the advice was that there were really no grounds to do that at that stage. However, there was the allegation (to which the honourable member referred) that one of the development assessment panel members had a relative (a brother, I think) who was involved in this project. As a result of that allegation, I sought immediate Crown Law advice and, on 4 September, wrote to the public officer of the development assessment panel (who was, I think, also the chief executive officer of the District Council of Streaky Bay) saying:

> It has been alleged that [the name of the gentleman concerned], a member of the development assessment panel, is related to the proponent of this development and that he may also have a financial interest in the approval of the application as part-owner of a contracting company, Streaky Bay Building Contractors.
>
> I have taken legal advice in relation to this matter. Under section 56A of the Development Act, either interest, if it exists, would be sufficient to require [this person] to disclose his interest, and to absent himself when hearings are taking place and also when the panel's decision is made. A breach of section 56 is a criminal offence.
>
> In addition, the validity of any decision to approve the development would be open to being declared invalid in a court of law.
>
> I do not exclude bringing those proceedings if [this person] does indeed have a disqualifying connection with the proponent or interest in the success of the application and he participates wrongfully in the decision-making processes in respect to this application.
>
> I ask that the panel ensure that its processes are conducted according to law.

I then indicated that, if they had any further questions, they should contact an officer in my office. That is the action I took. I am relying purely on the local press in relation to this, but I believe that the person concerned did in fact absent himself from the site visit, that the development assessment panel currently undertook at the site and, further, that that person absented himself from discussions on the DAP panel. I urgently faxed that letter, because I believed that the council was to meet at that particular time, that is, early last week. My understanding is that the council has deferred its decision.

That is the action I have taken in relation to that matter. I believe that, at this stage and taking into account that legal advice, the individual concerned and the council development panel have acted properly as a consequence of my sending that letter. However, as I said, I am relying purely on what I read in the local paper in relation to that. With that caveat, that is really a progress report of the matters to date. In relation to the merits or otherwise of this application, as I said, my colleague the Minister for Environment and Conservation has expressed her concerns.

I know that local environmental groups are concerned about the proximity of some osprey nests on this particularly attractive and wild part of the South Australian coastline. There have been a number of other issues in relation to this matter. I know that Planning SA staff met with the Chief Executive Officer of the Streaky Bay council on 27 August to negotiate the commencement of a general and coastal development plan amendment as a high priority. It has been apparent for some time that there are insufficient planning controls over the coastline, particularly in relation to Eyre Peninsula.

Members might recall that, just a few weeks ago in out-of-council areas, I issued an emergency ministerial PAR which addressed development on those coastal areas that are not in council areas—in other words, further around from Ceduna, around the coastline. In relation to the coastline within council areas on Eyre Peninsula, it is necessary that we do implement as quickly as possible the policies developed through the coastal strategy. Indeed, just in the past few days I have sent an initiating minute, because I am concerned that it is taking such a long time for councils to implement the coastal strategy with which they had all been involved in developing over the previous 12 months or so.

I have written to councils indicating my intention that we should have these new changes to the development plan policies in place as soon as possible in order to have some better measures to protect our coastal zone. I emphasise that, in relation to this application, at law it would be assessed under the current development plan of the council. It is

important that we do get the new development plan amendment in place as soon as possible to provide greater protection to this particularly sensitive and attractive part of the South Australian coastline. I think I have covered most of the issues raised in the honourable member's question.

SOUTH-EAST WATER ALLOCATION

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about South-East water allocations.

Leave granted.

The Hon. CAROLINE SCHAEFER: An article in *The Border Watch* of 10 September states that independent modelling of the government's own data indicated that 98 per cent of the rise and fall in groundwater tables in the South-East was due to rainfall and that only 2 per cent was caused by other factors, including trees and irrigation. The article further states that running regression models showed that groundwater tables were highly predictive on the past two years of rainfall and not at all consistent with irrigation or tree growing. Can the minister give details of the independent modelling? Is she aware of that modelling? Has she checked its validity? Was this modelling factored into the draft of the south-eastern water allocation plan and, if not, why not?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the member for her important question. Indeed, a range of very serious issues have been taking place in the South-East in relation to groundwater. We know that the South-East Natural Resources Management Board is preparing water allocation plans for the lower Limestone Coast and the Padthaway prescribed wells area. These plans will take into account the outcomes of the latest technical review of the unconfined aquifer through the South-East and the outcome of the project converting area-based allocations to volumetric allocations. It is the responsibility of the NRM board to formulate these water allocation plans and, as we know, it is required to consult extensively with the community, which it is in the process of doing. Hopefully, those draft plans will be completed early in the new year.

In late 2006, the South-East NRM board advised me that it had concerns about the sustainability of a number of unconfined aquifers and its management areas in the South-East, and it recommended that I undertake certain actions to prevent further development of the resource in those areas during the period in which the plans are being completed to ensure that the sustainability of that resource in those areas was not made worse.

In response, I implemented a number of management measures in the management areas of concern. I have placed the remaining unallocated water for the unconfined aquifer into a strategic reserve and also reduced the unused portion of the forest threshold area in the management area of concern. This means that the threshold at which the new plantation forest development requiring a water allocation to offset recharge impacts has been reduced. Unallocated water was only available for addition to the reserve in two management areas.

The reduction of the forest threshold is a temporary measure. It is anticipated that the equivalent areas will be reinstated in management areas where there is sufficient unallocated water to offset that impact. The reduction in the unused portion of forestry threshold obviously does not prevent forestry expansion, but any expansion would need to offset with the water allocation equivalent to its impact of recharge. Subsequently, on 31 July, I announced that in future all new plantations overlaying a shallow watertable in the Lower South-East will need to offset impacts on direct groundwater extraction with water allocation.

A great deal of work has gone into the management and decisions around this very precious water resource. It commenced many years ago. It was in a report of the CSIRO in 2001, where the impact of recharge from forestry, and the science around that, was recognised; that forestry did have an impact on recharge of the aquifer. As I have outlined, decisions have been made in respect of ensuring that those recharge impacts have been offset through water licences.

It was also flagged back then that it would appear that forestry also had an impact on direct extraction of water from shallow watertables of 6 metres and less and that that would need to be managed. A number of triggers in these water management areas have been set off to indicate that there is not sustainable management in those areas. This has clearly been exacerbated by an extended drought period in that area, even up to 10 years. That has certainly exacerbated the situation, but the science is quite clear on the impact of forestry, and we monitor in an ongoing way the condition of the watertable.

We have a number of monitoring points at wells and we have considerable longitudinal data, so we are able to monitor the unfortunate ongoing deterioration of some of these water management areas. I believe the government has acted very responsibly in relation to that to bring certainty, clarity and security to all industries that use water in that area, including forestry as well as other horticulture, agriculture and viticulture activities. It is important that all these industries have secure use of the resource and that they are all involved in managing that resource for the long term in a sustainable way.

REPLIES TO QUESTIONS

METROPOLITAN FIRE SERVICE

In reply to **Hon. S.G. WADE** (29 May).

The Hon. CARMEL ZOLLO: I am advised:

1. The Mobile Computer Terminals (MCTs) were procured under waive of tender approved by the Chief Executive Officer of SAFECOM. The purchase was made from Schedule 2—Terminal Products and Pricing, in accordance with all relevant government and agency procurement directions.

2. There is no anticipated cost increase beyond the initial project price. The project is expected to be completed within budget. SACAD will have no adverse effect on the MCT Project; rather it has the potential to further enhance the operational effectiveness of the MCTs with Automated Vehicle Location and Geographic Information Systems.

BROMLEY, Mr D.

In reply to **Hon. A.L. EVANS** (14 March).

The Hon. CARMEL ZOLLO: I am advised:

Mr Derek Bromley is currently serving a life sentence, with a non-parole period of 22 years 7 months and 12 days, for murder.

It is not appropriate for me to comment about prisoners who maintain their innocence. That is a matter for the prisoner concerned, their legal representatives and the courts.

In relation to the Honourable Member's question about the programs that are offered by the Department for Correctional Services, I am not aware of any concerns about their suitability for Aboriginal prisoners.

The Department has a range of programs for Aboriginal prisoners, a number of which are delivered to Aboriginal prisoners by Aboriginal Program Officers in a manner that is culturally

appropriate. The programs are offered to Aboriginal prisoners in conjunction with the Department's Rehabilitation Programs Branch and the Aboriginal Services Unit.

I don't believe it is appropriate to go into public detail about Mr Bromley or the programs that are being offered to him. It is appropriate to say that he is undertaking programs that have been selected after consideration of his offending history and which have been identified to assist him both in his rehabilitation and resocialisation.

Specific programs that are offered within the prison system for drugs and violence include Violence Prevention, Ending Offending, Anger Management, Drug and Alcohol Relapse Prevention, Victim Awareness and Pathways Resocialisation.

I can confirm that Mr Bromley has completed a number of these programs as part of his rehabilitation.

PRISON SECURITY

In reply to **Hon. J.M.A. LENSINK** (14 March).

The Hon. CARMEL ZOLLO: I am advised that 10 747 individual prison cell and common area searches were conducted during 2004-05 and 9994 in 2005-06. Up until the end of February 2007, 8980 cell and common area searches had been conducted.

These figures do not include routine pat or strip searches of prisoners as they move from one area of a prison to another, or when being escorted to court, medical appointments, transferred between institutions, or as required as part of the urinalysis procedure. No records are kept of these searches.

DRIVER FATIGUE

In reply to **Hon. J.S.L. DAWKINS** (21 February).

The Hon. CARMEL ZOLLO: I am advised:

A vehicle driven by a fatigued driver usually drifts to the left because of the effects of crossfall on the road. It then leaves the road and hits fixed objects on the left side of the road.

For this reason, only edge line audio tactile road markings are currently used in South Australia.

The line markings I am referring to are thermoplastic audio tactile line markings (ATLM) which, due to their conspicuity, can alleviate the need for a separate edgeline to be painted.

Whilst there is currently no plan to introduce centre line ATLM in South Australia, the Department for Transport, Energy and Infrastructure is monitoring the results of a trial of centre line ATLM in Victoria and will assess the results accordingly.

MATTERS OF INTEREST

CLIMATE CHANGE

The Hon. I.K. HUNTER: With APEC last weekend the Prime Minister had an opportunity to show decisive and strong leadership in tackling dangerous climate change. Unfortunately, in the end he did no such thing; he squibbed it. The Sydney declaration on climate change was not much more than a gesture of goodwill—if that. It is a small step in the right direction, but overall it represents a wasted opportunity for the countries of APEC. All we got in the end was a commitment to look at aspirational targets; non-binding targets; in other words, no targets at all. Earlier this year the foreign minister, Alexander Downer, is reported to have said:

> I think you have to face up to the fact that, within the APEC group there are economies. . . that believe in setting CO_2 emission targets, by particular dates. Some of them of course are just aspirational targets, which is code for a political stunt.

These are the words of Mr Downer. An aspirational target is not a real target at all. How disappointed he must be in the end result of the APEC talks. How disappointed the foreign minister must be in his Prime Minister.

The eyes of the world were on Australia last weekend. This was our chance to be seen as forward thinking and serious about tackling climate change and, frankly, the chance was wasted. The argument has been made that the weakest position possible was taken to get the bigger emitters, primarily China and the US, to sign up to the agreement. In the end, though, all the goodwill and aspirational goals in the world will not reduce greenhouse emissions. The Prime Minister should have worked to build support at APEC for real targets under the UN Kyoto framework. He should have gone further and announced firm national targets to show the world that Australia takes the situation and problem seriously indeed. He should have announced that Australia would ratify the Kyoto Protocol and that Australia would be going to the United Nations Framework Convention on Climate Change talks in Bali later this year and arguing in no uncertain terms for stronger worldwide targets after 2012.

Earlier this year the Rann government introduced the first legislation in Australia to establish clear targets to reduce greenhouse emissions. The Climate Change and Greenhouse Emissions Reduction Act legislated to reduce greenhouse gas emissions in the state by at least 60 per cent of 1990 levels by the end of 2050. Now federal Labor has suggested that nationally we should be aiming to cut emissions by 60 per cent by 2050 against 2000 levels, but any real target would have been preferable to the aspirational targets we ended up with.

The announcements at APEC were not all bad by any means. The deforestation agreements with Indonesia, for example, are a significant step in the right direction, but they simply fall well short of the leadership needed to tackle climate change. As well as the opportunities presented in terms of addressing emission controls, APEC was a perfect forum for Australia to show regional leadership in addressing climate change. It has been suggested that by 2050 up to 150 million people worldwide may be displaced by rising sea levels. The Asia-Pacific region is therefore going to become the front line in feeling the effects of climate change.

Tiny islands and low-lying land in the South-West Pacific are particularly vulnerable, and those countries have very little capacity to respond. The Howard government has shown little interest in developing a strategy to assist those countries and our region which will be (and already is) experiencing the impacts of climate change. I do not want to appear cynical, but I hope that the climate change sceptics within the federal government ranks have not won the argument in the cabinet. Senator Minchin has been outspoken in his criticism of the science of climate change, and Senator Bernadi has followed suit. Dennis Jensen, Jackie Kelly, Dana Vale, David Tollner—and so the list of climate change deniers goes on. I sincerely hope that the Prime Minister is no longer one of them.

In Monday's *Advertiser* the former Liberal member for Hindmarsh, Chris Gallus, also made the point that aspirational goals were not enough. She even predicted that the Prime Minister may yet surprise us with a commitment to real greenhouse reduction targets. However, he has missed his chance (at APEC) to establish his credentials as a climate change leader. Given the election campaign environment we are now in, anything the Prime Minister does will now be seen through the filter of political opportunism. I despair for the last chance, the opportunity to push for real change that

has been lost, that this Prime Minister has let slip through his fingers.

Time expired.

EQUINE INFLUENZA

The Hon. T.J. STEPHENS: Today I will discuss the equine influenza outbreak which has gripped the Australian racing industry. In August this year, Australia experienced its first outbreak of equine influenza, a highly-contagious viral disease which has crippled the Australian racing industry. At present there are confirmed cases of the virus only in New South Wales and Queensland. As of yesterday, 3 500 horses on more than 330 New South Wales properties tested positive for the flu, with another 4 800 suspect horses on almost 600 properties. There are currently 80 confirmed infected properties in Queensland. Equine influenza is thought to have arrived in Australia amongst a consignment of thoroughbred stallions from Japan on 8 August. It was first detected on 17 August at the Eastern Creek quarantine facility in New South Wales.

The impact of the horse flu crisis is being felt right across the industry from casual ground catering staff at racetracks, who are getting no work, to jockeys who get paid to ride only, trainers and owners who will not get any prize money and bookmakers and the TAB who are losing millions of dollars in lost betting revenue. The cost to the industry is staggering and, while we will not be able to calculate the final cost for some time yet, we know that it will run into hundreds of millions of dollars.

Numerous race meetings across the country have been cancelled, including the abandonment of the lucrative Sydney Spring Racing Carnival. Racing in New South Wales remains halted indefinitely. The long-term effects of the outbreak will be especially felt in the billion-dollar breeding industry because major studs, especially those based in the Hunter Valley, have had their breeding seasons ruined.

To highlight the impact on the breeding industry take, for example, the stallion Encosta De Lago. He is one of seven stallions confirmed with the horse flu. He is also the second-most expensive stallion in the country. He comes at a cost of $263 000 to cover a mare and was expected to serve 200 to 250 mares during the Australian breeding season. He will now serve none, which means that some 250 high pedigree foals will not go into the racing industry. It will also mean the loss of thousands of dollars in stud fees.

South Australia has been extremely fortunate in that there have been no reported cases of equine influenza. Despite this, the state's racing industry has been severely affected. Training venues such as Morphettville, Strathalbyn, Murray Bridge and Gawler were closed, with horses, in some cases, limited to walking machines or being led around stables. State border road blocks were patrolled by police and Primary Industries officers under the countrywide stock standstill. Thankfully, in South Australia, the stock standstill was lifted on Monday 3 September. However, this only applies to the movement of horses within the state.

The movement of all horses from interstate remains totally prohibited. While the lifting of the ban has been a great relief to the South Australian racing industry, there are still stringent restrictions on horse gatherings and events. Permits must be obtained from PIRSA for any event with more than 10 horses, and even then gatherings of horses for any reason is not recommended unless absolutely necessary. Numerous horse events and race meetings, including those at the Royal Adelaide show, have been cancelled and Adelaide's premium equestrian event, the Australian International Horse Trials, has been put on hold.

I applaud the federal government and the minister for their $110 million relief package for the crippled racing and breeding industry. This fund, which is designed to help workers in the industry, includes: $20 million for workers such as farriers and horse transport operators who have lost their jobs or income as a result of the horse flu; $45 million to be put towards businesses which derive the majority of their income from the commercial horse industry; and a further $200 000 for non-government, not-for-profit equestrian organisations. This $110 million assistance package comes on top of the $4 million the federal government has already provided to assist those in need of emergency financial support.

I would also like to praise the racing industry for its prompt response and willingness to work with authorities to limit the spread of the outbreak. The full impact of the equine influenza will not be known for some time yet, and I urge the state government to help ensure that the state's racing community fully recovers from this setback. If there is one positive thing to come out of this whole episode, it is to highlight the importance of the racing industry to Australia. Over many years, many people have questioned and doubted the overall financial contribution this industry makes to South Australia and Australia. This catastrophic event has, in fact, brought that importance to the surface.

COMMUNITY EVENTS

The Hon. B.V. FINNIGAN: Like the Hon. Mr Stephens, I certainly share his concerns about equine flu and, in fact, was at the Mount Gambier races the other day at the same time the Liberal Party and yourself, I assume, Mr Acting President, were there planning your blinding vision for the future. I was at the races but they were, of course, severely affected by the fact that horses from Victoria were not able to attend, so about one-third of the runners on that day were scratched because they could not come over from Victoria. Nonetheless, the club soldiered on and hopefully the South Australian racing industry, particularly in the country, will be able to withstand the current problems.

I rise today to speak about some community events that I have attended recently, representing the Premier. On Saturday 25 August, I attended the Merdeka Gala Dinner at the Hilton Hotel, which was a function of the Australia Malaysia Business Council (SA) Inc.

The Hon. Caroline Schaefer interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Finnigan has the call and should continue.

The Hon. B.V. FINNIGAN: Thank you for your protection, Mr Acting President. Merdeka is, in fact, the 50th anniversary of Malaysian independence, and that was what was being celebrated at this dinner. The member for Kavel in another place, Mr Goldsworthy, was there as well. We were welcomed by Mr Aemel Nordin, the President of the Australia Malaysia Business Council, and Sir Eric Neal is the patron of the organisation. We were treated to a very enjoyable evening, which included a video message from the Prime Minister of Malaysia, which served to highlight the strong business links between the Malaysian and South Australian business communities and that those links are fostered by the Australia Malaysia Business Council Inc. It was an occasion, as I say, to celebrate in particular the 50th

anniversary of the independence of Malaysia. There were some very good music performances and a fashion show, including some fashions by Malaysian designers. On Saturday 8 September, I attended—

The Hon. Caroline Schaefer interjecting:

The Hon. B.V. FINNIGAN: I am a much better singer than the Speaker. On Saturday 8 September, I attended the Rasik Ranjani Silver Jubilee Celebrations. Rasik Ranjani is a club of music lovers, promoting peace and harmony among the people of the Indian sub-continent through music, poetry and folk traditions. The principal activity of this organisation is fostering music, and particularly Indian music. The organisation, Rasik Ranjani, had a silver jubilee dinner and launched a DVD, which included some of the highlights of its activities over the past 25 years. I was welcomed by Dr Abul Farooque, the President of Rasik Ranjani, and there was a bit of information about some history, a very good Indian dinner and some performers from India who were the special guests for the evening and who presented some Indian music.

The following day, Sunday 9 September, I officiated at the opening of an art exhibition at Scarlatti's Gallery at Mount Surmon Wines at Stanley Flat in North Clare. The Hon. Caroline Schaefer was there as a local resident with her husband. The exhibition is of works by Lise Temple, an artist who grew up around Byron Bay, studied in Melbourne and has now settled in the Mid North.

The Hon. Caroline Schaefer interjecting:

The Hon. B.V. FINNIGAN: I did put an expression of interest on one of the paintings and am yet to decide on it, but I think I will go ahead and purchase it.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. DAWKINS): Members on my left will cease interjecting.

The Hon. B.V. FINNIGAN: It is a very good picture of the Mid North, featuring a nice ruin. I find ruins very interesting in those country areas. Congratulations to all the people involved in all those events, and thanks for the hospitality at those functions, particularly the last one at Mount Surmon from Burt and Jeni Surmon, the owners of that establishment. It was an enjoyable afternoon with fine works by Lise Temple. It was good to see that she and her partner Roland, also an artist, are active in the education of local artists, which is to be encouraged. I commend everyone involved in those various events.

Time expired.

DOCTORS, RURAL

The Hon. CAROLINE SCHAEFER: I refer to the current shortage of rural doctors in South Australia and across the nation. Today the National Rural Health Alliance has called a Health Crisis Summit, and one of the areas they will be discussing is the fact that the percentage of medical graduates choosing general practice rather than specialist or other practice has fallen from around 45 per cent a few years ago to 25 per cent presently. Rural Australia is now almost totally dependent on overseas trained doctors for recruitment to the medical workforce, reflecting the deepening crisis over the shortage of general practitioners in rural areas.

Those of us who have lived in some fairly remote areas are very grateful to the immigrant practitioners who come to our areas. Currently there are 347 rural and remote general practitioners across South Australia in 74 hospitals, but 25 per cent of those rural and remote general practitioners are now overseas trained doctors. It is difficult to be a general practitioner in rural South Australia or Australia at any time. There is a shortage of access to professional information and to people of like mind from whom they can seek advice, and there is the difficulty of distance, particularly if one is a single practitioner in a remote area. It is difficult to get someone to relieve that doctor so they can continue with professional training at any level. That situation must be very much exacerbated if one's first language is not English. One has therefore no companionship from people of a similar culture.

While we are particularly grateful to those doctors who choose to come and help isolated people, it becomes an increasing crisis that we are unable to attract Australian trained doctors into rural and remote Australia, particularly South Australia. The Rann government's answer appears to be that, because we do not have enough doctors, we will close the hospitals. The new health bill that we will have to tackle allows for four major regional hospitals. Many of the 74 hospitals that we are talking about now will be relegated to nothing more than old folks homes, nursing homes or, at the least, emergency clinics. It will then become impossible to attract well-trained general practitioners. Most of them now are unable to practise obstetrics or anaesthesia in those smaller hospitals. When they are relieved of the ability to practise the medicine for which they have trained, one can see that there will be a snowball effect. We will not have any hospitals because we will not have any doctors, and we will not have any doctors because we will not have any hospitals.

One shudders to think what would happen if there was an industrial or a farming accident, or any type of medical emergency, in areas such as Wudinna, Kimba, Cleve and Cowell, which are about an hour apart by road. As one of these Rural Doctors Association papers points out, we are also very grateful to the Royal Flying Doctor Service. However, if this service is grounded because it is fog bound, and if one lives out of Kimba and the nearest doctor is at Tumby Bay or Cleve, we can only expect that we will have tragedy in rural South Australia. I particularly mention that some of those towns are indeed on Highway 1. If there is a major motor vehicle accident, and we have no doctors or hospitals, we will see the effects.

Time expired.

DESERT ECO SYSTEMS

The Hon. A.L. EVANS: I rise today to bring to the council's attention the great work of Desert Eco Systems. In a few government buildings, pubs and corporate headquarters, male members might well have seen the sign 'desert.com.au' and square blue cubes in urinals across South Australia. This is a very interesting subject. When one presses the button to flush, one finds that the urinal is not operational. It has been disabled to save water. A major provider of these water saving devices is a company known as Desert Eco Systems. Its 'Desert cube waterless urinal system' is said to be capable of saving 151 000 litres per annum—that is 151 kilolitres.

The Desert cube waterless urinal system is very simple to install and requires no change to the existing urinal. The cubes work as follows: the cubes break down over a period of one to four weeks. As they dissolve, tiny microbes are released into the waste system. The microbes eliminate odour causing bacteria, as well as the unsightly scale deposits in the urinal and down in the waste pipe. As the beneficial microbes keep the urinal clean without the use of large amounts of

water, the flushing mechanism is disconnected. This not only saves an enormous amount of water but also eliminates the need for chemical sanitisers, deep cleans and deodorant blocks, all of which are expensive and extremely harmful to our environment.

Desert Eco Systems' research reveals that urine is almost 98 per cent water and only has a mild odour. The trouble is that when it is put in a wet environment (like a flushing urinal) bacteria can be spread. The Desert cubes use microbial technology to interrupt bacterial digestion that produces the truly unpleasant odours.

Family First spoke with Desert Eco Systems about its success and sought to ascertain how much its technology is being used in state government facilities. Desert Eco Systems expressed some frustration at this government's inaction in adopting this technology. They have seen the cubes rolled out in only a few sites, such as the Transport SA building in Walkerville. However, an arrangement made in January with Supply SA for widespread roll-out has seen only one site roll-out in 10 months. They compare this with Supply SA's Queensland equivalent, which has rolled out its technology into 500 schools. Family First calls upon the Ministers for Environment and Conservation, Water Security, and Sustainability and Climate Change to approach Desert Ecosystems (or others offering similar technology) and roll out this fantastic technology to effect significant water savings across South Australia.

As a matter of fact, any minister with urinals in their department (for instance, police stations, prisons or mental health facilities) should take note—and let me take the education department as an example, given the Queensland comparison I mentioned. There are at least 1 000 schools and administrative facilities within the education department alone that would have at least one urinal (and I might add that it would send a great message to students about conserving water if schools had waterless urinals). Conservatively, 1 000 school urinals saving 151 kilolitres of water equals 151 megalitres—and that is the equivalent of 12 hours' flow over Lock 1 at Blanchetown late last month. Like I say, I am being conservative, because I think that that saving could be easily doubled or tripled across the education department alone—across the whole Public Service savings would be massive.

The Hon. Sandra Kanck: It would be better than a desal plant.

The Hon. A.L. EVANS: Yes. I can proudly say that Family First's environmental credentials on this matter are far from being down the toilet. On the contrary, I think that even the urinal can be used to make massive water savings for the water security of this state.

Time expired.

OMBUDSMAN

The Hon. R.I. LUCAS: That will be a hard act to follow.

The PRESIDENT: I am sure you will do your best.

The Hon. R.I. LUCAS: I will stand, not sit. I refer to the Ombudsman Act, which makes it quite clear that it is not lawful to appoint anyone over the age of 65 to the position of Ombudsman. Section 10(1) provides:

> The Ombudsman shall be appointed for a term expiring on the day on which he or she attains the age of 65 years.

In addition, section 10(4)(b) provides:

> The office of Ombudsman becomes vacant if the Ombudsman attains the age of 65 years;

It makes it quite clear that a person over the age of 65 cannot be appointed to the position of Ombudsman. I refer to the fact that evidently today the controversial former auditor-general, Mr MacPherson, has been made Acting Ombudsman by the Rann government. It is clear that Mr MacPherson is over the age of 65 and, for that reason, the parliament repeated a view of previous parliaments that the Public Finance and Audit Act made it quite clear that he could no longer continue in the position of Auditor-General. I am not a lawyer but on the surface it would seem quite clear that it is not lawful for an ombudsman to be over the age of 65. If the government has found some legal loophole then I think, at the very least, it could be argued that it would be contrary to the intention of the parliament and of the legislation to, in some way, appoint someone over the age of 65 to the position of Ombudsman.

I raise this issue because the powers of the Ombudsman are considerable and it would be a shame, if it were to be an improper or incorrect appointment, if any decision or action taken by the Ombudsman was subject to a legal challenge on the grounds that the Ombudsman had not been correctly appointed to that position. I believe the government should, at the very least, and to allay any public concern there might be, ask the Solicitor-General or the Crown Solicitor to advise on the situation (if they have not been asked already). That advice, regarding how it is possible to appoint someone over the age of 65 to the position of Ombudsman when looking at section 10 of the act, should then be made public.

The other point I would like to make refers to section 7—Ombudsman not to engage in any remunerative employment—which provides:

> The Ombudsman must not, without consent of the Minister, engage in any remunerative employment or undertaking outside official duties.

I am not aware of the personal actions or behaviours of the former auditor-general—indeed, I am not particularly concerned. However, certainly, there are stories doing the corridors of Parliament House that he—quite properly, if it is the case—has accepted consultancy positions with either governments or other private bodies. If he is a retired auditor-general, that is a decision for him to take, and anyone who might offer him a particular consultancy. However, if that is the case, does section 7 of the legislation apply to the Acting Ombudsman? If it does, has the government or the minister given him dispensation or consent to continue with alternative appointments at the same time as he is in the position of Ombudsman? It is absolutely imperative that the position of Ombudsman not have any conflicts and it is, therefore, important that we know the circumstances.

The final point I make (and, again, I am not aware of the detail) is that I understand the former auditor-general may well have been part of a process looking at the appointment of the next Ombudsman; that is, that in some way he might have been part of a group or body that was providing advice to the government about the next Ombudsman. If it is true that the former auditor-general was in a position where he was providing advice to the government about a new position of Ombudsman, and he has now been appointed as the Acting Ombudsman, I think it raises some questions, which only the government can answer. As I said, I do not know the details of the involvement of the former auditor-general in any process of advice to the government, but if he has been involved in any way the parliament should be advised as to what the extent of his involvement was and whether or not any potential conflict of interest exists.

Time expired.

GAMING MACHINES

The Hon. SANDRA KANCK: Poker machines are killing the music! Live music was a political issue a few years ago because of the encroachment of inner city living upon entertainment venues, but once again live music is under threat, this time because of the cross subsidies of poker machines. Many people will know that I have taken a very much 'live and let live' approach to poker machines and the industry that they have spawned. In some cases, I have seen that two or three poker machines have been able to stop an individual business from closing down. However, one of the consequences of the huge profitability of poker machines is the capacity this gives to the owner of those machines to cross subsidise other aspects of the business, such as being able to offer alcoholic drinks at a lower price than entertainment outlets that do not have the financial advantage that accrues with having poker machines.

I maintain my great concern that we as a society tolerate, and even encourage, the pushing of that legal drug, alcohol. However, it is in regard to live music that I am becoming increasingly concerned. Because of that aforementioned cross subsidy, some outlets—for example, the casino—are able to offer free entertainment to patrons. The flip side of that coin is that, because those venues without poker machines do not have the capacity to cross subsidise, they are at a competitive disadvantage because they still have to have a cover charge. If you combine that cover charge with more expensive alcohol, you can guess where the patrons will flock—obviously, to the place with free entertainment and cheaper alcohol, with those businesses also having an agenda to have those people wander in and play the pokies while they are at it.

Without the clientele, it means that the viability of the non-pokies venues is threatened which, in turn, means fewer outlets for local live music to be performed. This threat is now being exacerbated by the takeover of a number of significant and popular hotels in metropolitan Adelaide by the Woolworths cartel. We do not have a level playing field here, and there are some very interesting trade practices and competition policy issues in the current situation. It certainly does not take an economics degree to see the potential outcome in the longer term.

With market power, these owners of multiple properties will be able to out-spend the non-pokie operators in getting their message out to attract young people. This is shown quite clearly with the lifestyle advertising of the casino, which clearly targets 18 to 25 year olds with its offers of $1 drinks at happy hours. Put simply, they can wear down the small players. In the short term the big players can pay out more for entertainment until the small players, who will not be able to compete on any of the levels—the price of alcohol, the cover charge or the payment to the bands—just go out of existence. Once any competition, however small, has been sidelined, the big operators will be able to put pressure on the musicians to accept lower and lower rates.

It is, I think, more than coincidence that many top Australian bands are coming out of Western Australia: Eskimo Joe, Snowman, Little Birdy, The Sleepy Jackson and Birds of Tokyo being some examples. In Western Australia there are no poker machines and they have a very energetic live music industry. It is where the talent scouts are now going, and South Australia misses out. We need to take action because, in the past two years alone, 140 venues have discounted their support for live music. For many of them having poker machines is enough; they no longer need the attraction of a band.

The Rann government claims it supports live music, yet it is turning a blind eye to what is happening as a consequence of the pokies industry. What is it doing to assist these small, non-pokies venues that promote live music? This government reaps increasing amounts of revenue from poker machines. Currently it is channelling only $500 000 per annum of this back to support live music. That is just one small action, but a lot more is needed. The live music scene of Adelaide is not yet dead, but it will need the creative intervention by government to sustain it.

STATUTES AMENDMENT (WATER CONSERVATION TARGET AND SUSTAINABLE WATER RESOURCES) BILL

The Hon. M. PARNELL obtained leave and introduced a bill for an act to amend the Public Corporations Act 1993, the South Australian Water Corporation Act 1994 and the Waterworks Act 1932. Read a first time.

The Hon. M. PARNELL: I move:

That this bill be now read a second time.

As all honourable members know, the water situation in South Australia is critical. It is not just the situation facing the people of Adelaide: it is the situation facing our irrigators and the situation facing the natural environment, in particular, the environment of the Coorong. As anyone would know who was at the environment forum on the weekend and heard Dr David Paton speak about the devastating effect that low Murray River flows have had on the ecology of the southern Coorong, we are in dire straits.

Something that I have been saying publicly for well over a year now is that SA Water is central to any water solution for Adelaide. SA Water is the main water agency in this state for the supply of water yet, remarkably, its operating requirements as given to it by government mostly ignore issues to do with water conservation or reduction. What we need is to change the culture, but we also need to change the government's requirements of SA Water. Part of the problem, I believe, is that SA Water is a government business enterprise or, if you like, 'privatisation lite'. That means that private sector thinking has become part of the culture of SA Water but, if the current water crisis has taught us anything, it is how critical and fundamental water is to everything we do. In fact, it is a public good, and it should be managed accordingly.

With corporatisation comes an expectation to make money to return a profit to government. If SA Water sells more water, it makes more money. This culture is difficult to shift. It is old thinking, but it is powerful thinking. It is worth us exploring where this old thinking comes from. One area it comes from is the government's requirements of SA Water, as set out in its rules of operation. There are two documents which are critical here: the first is the charter and the second is the SA Water Performance Agreement.

I will speak about the charter first. Like any public corporation, under section 12 of the Public Corporations Act 1993, a charter is prepared by the minister and the Treasurer

after consultation with the corporation. It sets out the government's strategic objectives, priorities and requirements for corporations. This is a public document. In relation to SA Water, the strategic directions set out in the charter include the following at 2.1:

> The government requires the corporation, in fulfilling its statutory functions as set out in the South Australian Water Corporation Act 1994, to be a leading government-owned water business and pursue the following strategic directions.

Then there are five dot points: (1) be a systems manager, providing value for money water services within South Australia; (2) develop and commercialise leading water and related services, including technology solutions; (3) assist in promoting economic development in South Australia; (4) manage the assets, including the intellectual property of the corporation, prudently and effectively and provide agreed returns to government (and I will come back to that point); and (5) optimise the value of the corporation while achieving other key requirements of government.

What I find extraordinary about those five key planks of SA Water's strategic direction is that there is not one mention of the environment. There is no mention of conservation and no mention of securing South Australia's water supply for the long term. Just reading the charter, the only thing that it appears the government wants SA Water to do is to provide an economic return and to manage our pipes and pumps.

The charter goes on for five pages and, in all of these five pages, the closest that we get to a reference to sustainability is the following:

> The government seeks to ensure that South Australians have access to quality water services that are sensitive to the natural environment.

That is the best we can do in five pages. I refer now to the performance statement because, in some ways, I think this is an even more important document than the charter, and it sets out the rules that SA Water operates under. For some inexplicable reason, this performance statement is not a public document. When I politely asked for a copy I was knocked back and so I had to seek the statement under our freedom of information laws. In fact, when I met with Anne Howe, the chief executive of SA Water, and discussed some of my thoughts with her around this legislation and other ideas, she could not really adequately explain why this document was secret and not public.

It seems to me that it does not help inform debate to have such important documents hidden away. It has us all rushing around, trying to create ideas and coming up with solutions, yet we do not have ready access to this important operating document of SA Water. My question is: why should it be hidden? I contrast it with Sydney Water's document, its operating licence, which is actually published on its website.

Like the charter, the priority in the performance statement is clearly on economics and financial returns to government. Central to the performance statement is the following:

> The corporation shall pay an annual contribution to government consisting of a dividend calculated at 95 per cent of after-tax profit, plus an income tax equivalent payment.

This explains, to a large extent, why SA Water has not done enough to help South Australia to meet the current water crisis. It has been given a role by government to return profits to government. That is why many commentators, myself included, refer to SA Water as a 'cash cow'. The government has been using SA Water as a major source of revenue. In fact, over $1.1 billion over the past five years has gone into general revenue in the form of special dividends from SA Water.

Concerns have also been raised by the Auditor-General about the impact that this obligation has on SA Water's ability to plan for the future. In his 2006 report, the Auditor-General said:

> Put simply, the corporation's ability to generate cash from its operations is not sufficient to fund its payment commitments to the government and maintain its current level of capital works.

Therein we have the debate that we have had in the media over the past several months about how water infrastructure has lagged behind. Here is the reason: the money is all going into consolidated revenue as a consequence of the performance statement. However, it does not have to be this way. I think we can learn important and valuable lessons from the energy market. For example, in the United States the state governments in California and Oregon introduced laws to reward their energy utilities for selling less energy. The laws allow the utilities to keep, as extra profit, part of any savings created for their customers. Retaining 15 per cent of the savings inspired Pacific Gas and Electric (the United States' largest private energy utility) to stop investing in new conventional power stations, favouring renewables instead. This market-based regulatory approach has decoupled the utilities' profits from the quantity of kilowatt hours produced and sold. The energy utility is no longer rewarded for selling more energy, nor is it penalised for selling less. Using this method in California since 1992, Pacific Gas and Electric invested over $US170 million to help customers save electricity more cheaply than the utility could make it. That investment created $300 million to $400 million worth of savings. Customers received 85 per cent of those savings as lower bills, while utility shareholders received the rest, which was over $40 million. It is this idea of decoupling of volumes of water from profits that I would like to explore more closely. I think that provides an alternative vision for SA Water to embrace.

Yesterday we had the grand announcement of an expected expenditure of $2.5 billion for new water infrastructure. If that money was spent, instead, on saving water that is already within the system then we would not have the same imperative to manufacture new water; that is, if SA Water was to be rewarded for its work in saving water it would be much more likely to make it a core part of its business, and especially if it was able to plough some of its profits back into the enterprise. There are a few ways that we can do this.

The one that I believe has the most merit is to require SA Water, through its legislation, to meet a specific water conservation target. If that is a core requirement from government, or from the parliament, as expressed through legislation, I have no doubt that it will drive a significant change throughout SA Water. So, rather than all of us rushing around trying to come up with solutions to get us out of this water crisis, we should unleash SA Water and give it a specific target and let it do the work of meeting that target.

I would like to explain briefly the clauses in my bill, and I will do it in themes, because there are three main themes to this legislation. The first theme is that the bill seeks to amend the Public Corporations and the SA Water Corporation legislation to insert requirements around water conservation and ecologically sustainable development. I have also included in the bill an emphasis on the importance of SA Water collaborating with other like-minded organisations and agencies, because that is one of the criticisms that is levelled

at SA Water—that it has a bunker or silo mentality and it does not always engage constructively with other agencies.

The second theme of my bill is to insert a specific water conservation target into legislation. This water conservation target is central to the bill. Like other public commentators, I have said publicly over the past couple of weeks that we need both carrots and sticks when it comes to water conservation. South Australians receive less assistance to help them reduce their household and garden water use than the residents of all other mainland states. I believe that this has a lot to do with other states having specific water targets, or water conservation objectives, in their legislation.

I refer again to Sydney Water, where at page 29 of its operating licence it has a target (at point 9.1), which states:

> Sydney Water must take action to reduce the quantity of water (other than re-use water) it draws from all sources to meet the water conservation target of 329 litres per capita per day by 2010-11 (being a reduction of 177 litres per capita per day or 35 per cent from the 1990-91 baseline).

That baseline figure was 506 litres per capita per day. I believe that it is that conservation target which is driving the types of products and services that Sydney Water is offering to its consumers.

One example that struck me as one that we could well emulate in this state is the 'Waterfix your home' program. For the grand sum of $22, which is billed directly to your Sydney Water account, you receive the following service: a qualified plumber visits your home and they give you a water-efficient showerhead and install it for you, and they install water-efficient aerators or flow regulators onto your taps and your showerhead; any old-fashioned single flush toilets they adjust to make more efficient; and they repair minor leaks, both inside and outside, and they provide you with a full report of the work that has been carried out. The cost of that on the open market, if you were to engage a plumber to do that work, is around about $180, yet for Sydney Water's clients it is the grand sum of $22, which is then just added to your bill.

When you start looking at what SA Water and what the Rann government is offering to help households save water, you quickly realise that we do trail other states very badly. For example, Sydney, Brisbane and Perth residents can get $150 to help them buy a water-efficient front-loading washing machine. The Western Australian Water Corporation offers rebates for such things as soil wetting agents, rain sensors and irrigation tubing. In Western Australia and Queensland, pool covers, to prevent evaporation, attract a $200 rebate. Perth, Melbourne and Brisbane all offer up to $500 for the installation of household grey water systems, yet in South Australia what we get is onerous paperwork and health warnings.

In the ACT, and this is one of my favourite incentives, a horticulturalist can come to your house, free of charge, and offer practical, hands-on advice on how you can save water in your garden. What I say is that this would be a more positive way to go than the current debate in South Australia of buckets versus drippers. The ACT's free Garden Smart service is valued at $150, and I will read a couple of sentences which describe that program, as follows:

> The Garden Smart service is tailored to meet the specific needs of your garden. A qualified horticulturalist visits your garden to assess your watering needs, then demonstrates practical ways you can use less water in the garden. Our specialist tells you how to make your garden more water-efficient through clever plant choice and garden design, and gives you practical maintenance and watering advice. Taking part in Garden Smart also makes you eligible for a rebate of up to $50 when you buy selected water-saving products, such as garden mulch, drip irrigation systems or components, weeping hose, tap timers, soil additives for moisture retention, irrigation system controllers, moisture or rain sensors for irrigation systems, water wands and books on water-efficient gardening.

That is a great service that would help the vast bulk of gardeners who do want to do the right thing but have been frustrated by an approach that emphasises only the stick of water restrictions, rather than carrots.

According to the SA Water website in South Australia, all we can look forward to is a rebate of $10 per item for the installation of shower heads, flow restrictors or tap timers, and that is up to a maximum of $50 for five items. The concession is more generous for pensioners, being $20. The rainwater tank rebate is up to $800 to plumb a tank into an existing home. I was interested to hear environment minister Gago on Riverland radio this morning mentioning that 818 households have taken up that offer, and interestingly 70 per cent of them from memory were country take ups and 30 per cent in the city, which raises interesting issues about the water wise thinking of our country cousins compared with metropolitan households.

We have to give people the tools to change their behaviour and not just exhort them or compel them to use less. If SA Water had a much stronger and clearer mandate to save water, it would have much greater motivation to help households make savings. At the moment SA Water is rewarded for selling more water, not less, so there is little incentive for it to help households save water and money.

I will speak briefly about the water conservation target itself. If we go back to the Waterproofing Adelaide strategy, the call in that document is for a 22 per cent reduction in water use by 2025. In the situation in which we find ourselves, that is manifestly inadequate. The idea of a specific water conservation target was raised as far back as 2004 by Thinker in Residence Peter Cullen in his report 'Water Challenges for South Australia in the 21st Century'. Recommendation 8 stated:

> SA Water should be required initially to stabilise per capita consumption within three years and then reduce it by 10 per cent within 10 years.

That was some years ago and I wonder, in the light of our current situation with record low River Murray inflows and the drought, whether Mr Cullen would revise his target. He probably would. When it comes to trying to come up with an actual number that makes sense and is achievable, I have consulted a number of water experts and tried to work out a target that takes into account the needs of households, industry and, most importantly, the requirement to drive significant change.

There was a 25 per cent reduction in per capita water use from the 2000-01 year to 2005-06 in a very linear direction. If this trend continued to 2010-11, water use could be as low as around 260 litres per day, representing a 30 per cent reduction. It would drop down to 140 litres per day by 2015-16. However, linear reductions are not likely and it does not make sense to plan targets around that.

A practical approach is to start with what we believe are the reasonable water needs of the average South Australian. Calculating the water used by each of us, men women and children, taking five-minute showers, an appropriate number of flushes of the toilet each day, loads of washing through a front-loading washing machine, the number of litres used for washing our dishes and our hands, and add to that appropriate water wise use for watering plants in the garden, we get to

something like 161 litres as an average household per capita use of water. If we round it up to 170 litres per day and then take into account the use of water for non-residential purposes and put all these things into the mix, we could get a 40 per cent reduction per capita by 2015.

If we build a safety margin and are not as ambitious as that and go for a 30 per cent target, that is eminently achievable, and it is the target I have achieved in this bill. It is challenging, but certainly possible. Whilst people would still like to be living in an era when water on tap is cheap and in unlimited quantities, those days are gone. It is necessary for the sake of the Murray and our water security that we build some targets into legislation.

The third theme in the legislation relates to the requirement of SA Water to service allotments contained in water districts. I first came across this problem as an environmental lawyer working on a planning appeal on Lower Eyre Peninsula. I discovered that the attitude of SA Water seemed to be that, if someone wants to come up with a subdivision proposal, a housing development, it could see no reason why it should not just service that allotment with pipes and pumps. It did not for one minute question whether or not the water was available or whether the development was sustainable from a water perspective.

In the case of Lower Eyre Peninsula, with the development my clients were opposing outside Coffin Bay, it was clear that there was insufficient water to meet the current needs of the community, let alone that of new subdivisions. In fact, SA Water had to go to the minister cap in hand to get additional allocations on top of its licence just to meet the current demand, yet when a developer comes along wanting to put another few dozen houses in a new subdivision outside the declared water district, SA Water had no qualms in saying that it would be happy to service that requirement.

My amendment seeks to do two things in relation to the waterworks legislation: first, it requires SA Water to be satisfied that there is sufficient and sustainable water resources before it connects new developments or adds any new areas as water districts that are entitled to connection and needs to ensure there is a sufficient and sustainable water supply.

In summary, this bill recognises that change is urgently needed for SA Water to take up its proper role, and that SA Water is central to any long-term sustainable solution in our current water crisis. The current charter, and the legislative direction of SA Water, does not mention water conservation and, clearly, that is inadequate. We need to harness the power of the SA Water Corporation and its workforce to focus on finding more sustainable water solutions. We should all judge SA Water and reward it for how much water it saves rather than how big a profit it makes for government.

We can only imagine the impact if SA Water's $6 billion assets and its 1 300 staff were focused more on helping South Australian households and businesses to save every possible drop of water. While SA Water is required to put profits first, broader public policy priorities, such as the health of the River Murray, will always come second. This bill intends to shift the focus of the organisation beyond returning revenue to the Treasurer, and embrace true water security for Adelaide. As I said, the organisation needs to be unleashed to deliver what the population expects.

Before I commend the bill to the council, I know that we will shortly be considering a select committee into water, which would include an examination of the proper role of SA Water. If the Legislative Council decides to create such a committee, I would welcome that committee looking at this bill, exploring it and amending it, if necessary, to make sure that we get the best possible legislation to help all South Australians do the right thing in relation to water. I commend the bill to the council.

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

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to provide for entitlements to progress payments for persons who carry out the construction work or who supply related goods and services under construction contracts; and to make a related amendment to the Commercial Arbitration and Industrial Referral Agreements Act 1986. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

This is an important piece of legislation for the many South Australians who work in the state's construction industry. It is also important in that we have been left behind the rest of Australia in the way that security of payment legislation has been dealt with. That has given a significant disadvantage to those who work in the industry, and it has caused significant hardship. Fundamental reform with respect to the issue of security of payments is long overdue. For the benefit of members, I will refer to a paper delivered in the recent national conference of the Institute of Arbitrators and Mediators of Australia, 'New Horizons in ADR' (that is, alternative dispute resolution) held at Glenelg from 1 to 3 June 2007.

At that conference, the Adjudication Registrar for the Building and Construction Industry Payments Act 2004 of Queensland, Michael Chesterman, provided a definition of security of payment in his paper entitled, 'Pushing out the boundaries'. In the paper that the BSA released in December 2001, it states:

> The term 'security of payment' is a term used mainly by subcontractors to describe the need to secure long-term guaranteed arrangements for payments for work performed or material supplied. The term arises from the contractual nature of the industry which operates under a hierarchical chain of contracts. The financial failure of any one party in the contractual chain can cause a domino effect on other parties, with those at the bottom most at risk in the event of a client or contractor defaulting.
>
> The collapse of one element in the contractual chain or the failure to pass on moneys owed can create enormous financial strain on the other parties. Extremely tight margins in the industry, restricted cash flow and payment default can force contractors to carry bad debts or, if the burden of debt becomes too much, force contractors into some form of insolvency.

So, in a nutshell, that provides an explanation of what security of payments legislation is about, and the industry's urgent need for it in South Australia.

At the outset, I would like to acknowledge the cooperation and the work that has been done with key stakeholder bodies with whom I have been working for almost the past 12 months. I would like to thank Larry Moore from the National Electrical and Communications Association (NECA); Christopher Rankin from the Air Conditioning and Mechanical Contractors' Association; Bernie Biggs from the Association of Wall and Ceiling Industries of South Australia; Daryl Curyer from the Association of Wall and Ceiling Industries

of South Australia; and Roger Stainer—initially and more recently from Port Worthington—from the Plumbing Industry Association of South Australia.

To give you an idea of how many people those organisations represent, NECA has some 500 members who represent 3 200 workers. The AMCA has 44 members who directly employ over 400 people and indirectly employ a further 2 000 subcontractors and suppliers. The AWCI has 750 members who represent 2 000 to 3 000 workers. Also, through the Master Painters, Signwriters and Decorators Association—represented by Bernie Biggs—there are a further 2 000 workers in that industry. There are 400 members of the Plumbing Industry Association who represent 2 000 workers. So, the groups I have consulted and worked with over the past year represent approximately 12 200 people working in the South Australian construction industry. South Australia-wide, it is estimated that there are 32 000 building contractors and an additional 22 000 industry employees.

At the outset I would also like to express my gratitude to Connie Bonaros from my office. She has spent many hours working with industry representatives and has played a key role in developing this legislation in terms of both its drafting and getting all the parties together, and I am very grateful to her.

In relation to the scope of this bill, not only is it the result of an extensive consultation process with key representatives of the industry, it is also an acknowledgment that this reform is long overdue—Bernie Biggs has told me that he has been lobbying for these changes for the past 19 years. It seems that South Australia is the last state to embrace these changes, and I will shortly give a run-down of the measures that have been implemented in other states. To put this in perspective, the efforts of these representative bodies follow on from recommendations made by the Cole Royal Commission into the Building and Construction Industry of several years ago. This royal commission was the first national review of the conduct and practices of the building and construction industry in Australia and its report was handed down in February 2003—some 4½ years ago.

The report demonstrated an urgent need for structural and cultural reform in various areas of the industry, including payment practices. The absence of security of payment for subcontractors and the need for legislation to improve security of payments to subcontractors were among some of the findings concerning conduct and practices within the industry. According to the Commissioner, it quickly became apparent that the issue of security of payment was one that critically affected the ability of participants in the industry to make a living and to be rewarded for work they have performed and services they have provided.

In the course of their investigations, commission investigators were repeatedly told of the suffering and hardship caused to subcontractors by builders who were unable or unwilling to pay for work from which they had benefited. It was also noted that contractors who experienced payment problems were often small companies or partnerships that frequently did not have the expertise or resources to enforce their legal rights because enforcement would require protracted litigation against much better resourced entities with much deeper pockets. Consequently, subcontractors that had operated profitably and well for many years could be forced into liquidation through no fault of their own—often with devastating consequences for the owners of these businesses, their families, their employees and their creditors. The issue is particularly important given that nearly one-third (or some 36 per cent) of the nearly 700 000 people engaged in the industry Australia-wide are subcontractors or own-account workers—most of whom (94 per cent) employ less than five employees. As the Commissioner observed, these subcontractors are 'frequently undercapitalised and depend upon continuous cash flow for their continued existence'.

One of the recommendations made by the commission to address the problem of poor payment practices was that the commonwealth enact a building and construction industry security of payments act. While the commonwealth has not enacted legislation to address poor payment practices and security of payment, state legislation now exists in all mainland states other than South Australia. This is despite appeals by representatives within the industry for the government to enact similar legislation here.

In February 2006 the minister, the Hon. Michael Wright, wrote to these representatives advising them that an assessment was being undertaken to consider whether proposals for security of payment arrangements were desirable for South Australia. To date, and to the best of my knowledge, none of these groups has been contacted for the purpose of taking part in a consultation process with the government, nor have they received any further substantial feedback regarding assessments undertaken. I believe that, if nothing else, introducing the bill in this parliament will at least hurry up the process and will give real substance to the concerns of the groups referred to and to the many thousands of workers they represent.

I will give two examples of what is currently occurring. These two cases highlight the sorts of problems that local South Australian businesses are facing as a result of our lack of security of payment legislative framework, and are cases that I believe would not occur in any other mainland state. The first involves a ceiling and wall company which was awarded a government project in 1999. After months of delay and substantial variations brought about through no fault of its own, the company finally completed its work in May 2000. It was anticipated that there would be a payment of $75 000 by the end of June 2000, but when the payment was not made with the principal contractor a meeting was requested with the builder and his construction manager, who advised the company that there were no funds available to pay it for its work.

At a subsequent meeting the ceiling company offered to accept $20 000 less in payment in order to dispose of the matter but the offer was rejected. The matter eventually went to court, and my office has spoken to the principal of the company who told us this week that he had spent close to $750 000 in costs to pursue the matter, finally receiving a judgment in his company's favour. I am also advised that the builder in this case, who originally owed the company $75 000, spent close to $2 million defending the claim. This is something that could have easily been avoided with security of payment legislation.

The second case, which is currently before the courts, involves the construction of a car park. In this case, payments to the subcontractor during the course of the project were slow but consistent until a few months before the project was complete, when they stopped altogether. The contractor is owed some $230 000 and his business has spent approximately $70 000 in legal fees over the last three years. I am advised that the builders involved in the case have had almost a dozen actions taken against them and, in at least two of these cases, the subcontractors have been forced to close down their businesses as a result of non-payment. Several others have

abandoned their legal claims due the prospect of long and costly court battles.

It is also worth reflecting on comments made by the Chief Justice of the Supreme Court of South Australia, the Hon. John Doyle AC, who, at the same conference (the Institute of Arbitrators and Mediators conference held in South Australia earlier this year), presented a paper entitled 'Dispute resolution: is civil litigation part of the solution or part of the problem?" The Hon. Justice Doyle discussed at length the cost of litigation in civil cases and the cost of getting access to justice, in a sense, for those who wished their matters to be resolved. Chief Justice Doyle stated, in part:

> Underlying the two propositions that I put before you is the idea that ADR is the senior partner, and civil litigation before the courts is a junior partner, to be consulted only if the senior partner cannot do the job.

The Chief Justice also made reference to the types of litigation that would be amenable to alternative dispute resolution. He made it very clear that there is a danger in over-simplifying matters in terms of finding an easy solution. However, he did make this point:

> It is worthwhile trying to identify those categories of litigation as to which early review and tailor made approaches will be attractive to the players. That really is the issue. Unless we do that, nothing will change. And I mean here players on the record, and those off or behind the record, such as insurers, litigation funders, relevant industry groups and the like.

I believe those comments by the Chief Justice are very relevant to this industry. The fact that every other mainland state has security of payments legislation indicates that that is the approach we ought to adopt—an approach that is long overdue. It is also important to note that, in relation to what has occurred elsewhere, Tasmania, which does not have security of payments legislation, has had a government-initiated discussion paper out since last year. Clearly, that state is moving along.

We are the worst state in the commonwealth in terms of advancing at a government level the issue of security of payments legislation, and that is why we must act. The purpose of this bill is to reform payment behaviour in the building construction industry and ensure that payments owed to contractors by builders and developers are made on time and without having to go to court, thereby alleviating the hardship caused to contractors who do not have the cash flow to allow them to keep working while waiting for payment.

A particularly important aspect of this bill is the establishment of a dispute resolution process, which is designed to be efficient, expedient and much cheaper than litigation. These features are especially important in levelling out the playing field between contractors, subcontractors and suppliers on the one hand and builders or developers with deep pockets on the other. The bill achieves these objectives by ensuring that a person who carries out construction work or who supplies related goods and services under a construction contract is entitled to receive, and is able to recover, specified progress payments in relation to the carrying out of that work and the supplying of those goods and services.

The person entitled to receive a progress payment is granted a statutory entitlement to that payment in circumstances where the relevant construction contract fails to do so. The bill establishes a procedure for this that involves:

- the making of a payment claim by a person claiming payment;
- the provision of a payment schedule by the person by whom the payment is payable;
- the referral of any disputed claim to an adjudicator for a determination;
- the payment of the amount of the progress payment determined by an adjudicator; and
- the recovery of the progress payment in the event of failure to pay.

In particular, the bill mandates good payment practices in the building and construction industries by:

- prohibiting payment provisions in contracts that slow or stop the movement of funds through the contracting chain;
- applying fair and reasonable payment terms into contracts that are not in writing;
- clarifying the right to deal in unfixed materials when a party to the contract becomes insolvent; and
- providing an effective and rapid adjudication process for payment disputes.

As outlined above, the building and construction industry is made up of various consultants, contractors, subcontractors and suppliers, all of whom work together to deliver buildings and infrastructure. This mutual dependence and cooperation makes security of payment a critical foundation for the industry. Failure to pay at any link in the contracting chain can be crippling to subcontractors and suppliers who are waiting to be paid for their work.

In many instances, they are forced to weigh up their prospects of timely payment with accepting a drastically reduced payment in an effort to avoid costly battles. In his paper entitled A Summary of Adjudication Acts in Australasia, Philip Davenport (an expert in this field) makes reference to the various models that are available Australia-wide. I will precis the work of Philip Davenport, but New South Wales, Victoria, Queensland, Western Australia and the Northern Territory have all enacted legislation regarding security of payment, and the ACT is also moving in that direction. The acts can be divided into two broad categories in terms of how they deal with security of payment.

There is what can broadly be called the 'east coast model', which is New South Wales, Victoria and Queensland, and the 'west coast model' (for want of better words), which is Western Australia and the Northern Territory. Further details of the difference between the two models will be outlined shortly. Tasmania is yet to enact security of payment legislation, but a report prepared by Stenning and Associates Pty Ltd in June 2006 entitled Security of Payment in the Building and Construction Industry, Final Report for the Minister Administering the Building Act 2000 recommended the introduction of legislation similar to the east coast model.

The report was released for public comment, and this process was finalised in October 2006. I understand that Tasmania is waiting for the government to act. In the ACT in June this year the ACT government announced funding over four years to establish a security of payment scheme for the ACT building and construction industry. The first stage in establishing the ACT scheme would be to undertake a scoping study of schemes in other jurisdictions in order to identify a model that would be most suitable for the ACT.

According to the Minister for Industrial Relations in the ACT (Hon. Andrew Barr), once that model is determined it is likely that the ACT government will also introduce legislation for the basis of the scheme. In New South Wales, Victoria and Queensland all three acts provide a similar statutory right for the party who is contracted to provide construction work or related goods and services, and the claimant is to make progress payments against the other parties to the contract—the respondent. They all create a

statutory debt if the respondent fails to serve a payments schedule within 10 business days, and they allow the claimant to suspend work if the statutory debt is not paid on time.

The procedure for adjudication is very similar under each of those acts. The main difference in the Victorian act is that, after a determination, the respondent has the option of providing security for the adjudicated amount rather than paying it. The main difference in the Queensland act is that the act creates an adjudication registrar and the adjudicators and authorised nominating authorities must be registered. The Western Australian and Northern Territory acts (the second category of acts; what I describe as the west coast model) are in almost identical terms. Overall, they differ radically from the east coast acts; and, apart from bearing little resemblance to the acts, they provide, I believe, much less protection for the person who undertakes to carry out construction work or to supply goods and services.

Each of the adjudication acts, except the Western Australian act and the Northern Territory act, gives the party who carries out construction work a statutory right to make progress claims and provides that, if a payment schedule is not provided within the prescribed time, there is a statutory debt. Under the WA act, the contractor has a right to a progress payment only if the construction contract provides that right. The contract provides how the principal is to respond to a claim for payment. If a response is not provided or not provided within the time prescribed in the contract, the contractor is entitled to the claimed amount only if the contract so provides. There is no automatic statutory debt as exists under the other acts.

The liability to pay is no more than a contractual liability. The WA act and the Northern Territory act have no provision similar to that in the other acts to the effect that the claimant can recover the amount as a debt and, in proceedings to recover the amount, the respondent cannot bring any cross-claim against the claimant or raise any defence in relation to matters arising under the construction. There is nothing in the WA act or the Northern Territory act equivalent to that in the other acts to give the claimant the right to suspend work if there is no payment schedule and the claimed amount is not paid on time. The right to suspend work given by the WA act arises only if the principal fails to pay the contractor in accordance with a determination. My argument is that that is much too narrow. It is much better to adopt what I describe as the 'East Coast model'.

The only similarity between the WA and Northern Territory acts and the other states is that, like the Queensland act, they create this registrar and provide for registration of adjudicators. The acts provide for adjudication of payment disputes. Under both acts, either party may initiate the adjudication. I should stress that a builder can also use the legislation to recover payments from building owners and that, to me, is only fair. Builders can use this security of payments legislation in a way that I believe is fair to all parties, based on the facts of the case, and based on a speedy resolution and an adjudication of the process without the need for protracted and expensive litigation.

This proposed legislation is a long overdue reform for the state's many thousands of building contractors and their employees. It is about fairness and equity and ensuring that South Australian contractors and their employees are not treated like second-class citizens compared to their colleagues interstate. I commend the bill.

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

SA WATER

The Hon. NICK XENOPHON: I move:

1. That a select committee of the Legislative Council be appointed to inquire into and report on—
   - (a) The role of SA Water in supporting water conservation and water security in South Australia.
   - (b) The impact of the government's financial policies on the ability of SA Water to—
     - i. maintain and develop infrastructure;
     - ii. provide essential new supply capabilities;
     - iii. meet projected water demands; and
     - iv. provide network augmentation.
   - (c) The role and effectiveness of SA Water in relation to water security and water conservation measures and including—
     - i. the efficacy of water restrictions;
     - ii. SA Water's response to the 2005 "Waterproofing Adelaide" strategy; and
     - iii. education of water users and advice on water conservation measures.
   - (d) Opportunities to reform SA Water governance to assist in water conservation and water security, and in particular—
     - i. a review of relevant state legislation with respect to SA Water's functions, structure and accountability, including a review of SA Water's charter; and
     - ii. a review of SA Water's performance statements from government.
   - (e) Legislative and policy changes to address current impediments to water conservation and water recycling.
   - (f) Leakage of water from SA Water infrastructure, especially-
     - i. the accuracy of measurement and report of leakage; and
     - ii a review of SA Water strategy to address wastage through leakage.
   - (g) SA Water policy on alternative sourcing of potable water supplies, including engagement with the private sector; and
   - (h) Any other matters.
2. That the select committee consist of seven members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that standing order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

I urge honourable members to support this motion. I am particularly grateful for the contribution of the Hon. Mark Parnell, who, in introducing his bill to amend the Public Corporations Act, the South Australian Water Corporation Act and the Waterworks Act, outlined many of the concerns, and I do not believe it is necessary to restate them. He has done a very good job of stating them. I am also grateful for the discussions I have had with the shadow minister for water (Mitch Williams, the member for MacKillop), and also a number of my cross-bench colleagues, including the Hons Ann Bressington and Mark Parnell. I have sought feedback from all my cross-bench colleagues in relation to this motion.

I do not propose to pre-empt what this inquiry will find. However, I believe that this is a matter of critical public importance: it is a matter of critical importance to the state's future. Not only is it an inquiry that is timely but I also believe that much goodwill will come out of it. It is an inquiry that will look at a whole range of issues.

One of the issues that it ought to look at—and outlined by the Hon. Mr Parnell in his second reading contribution to the bill he introduced today—is the functions of SA Water. Under section 7 of the South Australian Water Corporation Act, the corporation has a number of functions, including in section 7(2)(d) 'to advise users of water in the efficient and effective use of water'. I think it is in the public interest to establish the extent of that advice and the advice that has gone into that advice for consumers in this state. The Hon. Mr Parnell and other members have referred in this place and in the course of public debate to the sorts of water conservation measures available interstate. I know today in question time the Minister for Environment (Hon. Gail Gago) made references to the various incentives in relation to rainwater tanks.

It is good to see that there has been an uptake of those, but I think it is important that we draw a comparison with what is occurring in other states in respect of water conservation methods, the incentives in place and the efficacy of those measures. This is all about getting the best value in terms of public and private monies that are being expended in water conservation to maximise the benefit. There are some key issues in relation to the cash cow which SA Water has become and the $1.1 billion that has gone back to government in the past five years since this government has been in power, and whether it is appropriate that a significant proportion of that revenue be directed into water infrastructure. I believe that there could be some very useful evidence presented to this committee regarding concerns about infrastructure. I would only encourage SA Water employees and experts to come forward to express their concerns and suggestions to improve South Australia's water conservation and waterproofing strategy.

There are other issues in terms of alternative conservation measures. I know the Hon. Ann Bressington has spoken out and has visited the Salisbury wetlands project (which has been the subject of great acclaim in this state), but to what extent should that be the norm rather than the exception in terms of water conservation in this state? The basis of this particular inquiry is all about inquiring and coming up with good ideas for water conservation. I do not see it as being a finger pointing exercise. I see it as looking to ensure that we can maximise the use of this precious resource. I believe that this particular inquiry would have an important role to play.

Another thing it can also do is engage the community in being part of this process. One of the criticisms that has been raised is that the community has not felt that it has been part of the process of water conservation. They have been the subject of various directives in terms of water restrictions. I think that we ought to have a different approach, and I hope that will be in the government's sights in the very near future. The point made by the Hon. Mark Parnell and other members is the approach in other states. In Queensland, they have their 140 litre per day target and incentives, including $20 to get a plumber out to look at ways of conserving water in your home. They are the sorts of incentives which I believe this inquiry should look at and their particular effectiveness.

The Hon. Mr Parnell outlined the facts and figures very well: it is not necessary for me to outline them any further. I give notice that I would like a vote on this particular motion on the next Wednesday of sitting, that is, in a fortnight's time. This issue has been of concern to every member in this place. It is an issue on which the government has a done of lot of work and in which the opposition and the crossbenchers have all been heavily involved. I believe that only good can come out of this inquiry. I commend the motion.

The Hon. CAROLINE SCHAEFER: I note that many of the issues covered in the Hon. Nick Xenophon's select committee motion are also covered in the Hon. Mark Parnell's bill, and I wonder whether some conversation could not take place between the two of them. However, the Liberal Party will be supporting the inception of this new select committee. Clearly, this is a state in crisis. This is a state where the government has done little other than pray for rain, and it is a state where we have always been and will continue to be subjected to drought. We must explore every viable alternative to supply water to the people of the state. Questions have been asked constantly as to the activities of SA Water and, indeed, its ability to supply water to the state.

Members interjecting:

The PRESIDENT: The Hon. Mrs Schaefer does not need any help from either side of the chamber.

The Hon. CAROLINE SCHAEFER: Thank you sir; I am having difficulty. The intent of the income derived from SA Water was for it to be put into building water infrastructure across South Australia. One would have to say that that has not occurred, and we are in a far worse situation now than we have ever been, both with the supply of water and the infrastructure to supply it and, indeed, any research as to how we can use alternative methods of water saving. All those issues are covered in the Hon. Nick Xenophon's proposed select committee. As I have said, the opposition will be supporting the motion.

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

PREVENTION OF CRUELTY TO ANIMALS ACT

The Hon. J.M.A. LENSINK: I move:

That the regulations made under the Prevention of Cruelty to Animals Act 1985, concerning rodeos, made on 16 August 2007 and laid on the table of this council on 11 September 2007, be disallowed.

The Liberal Party has decided to move to disallow these particular regulations to at least enable this subject to be discussed. In a very sneaky way the regulations were tabled and were sprung on the rodeo operators without any consultation. I find it completely extraordinary that any regulations could be put to the parliament without the government having discussed it with the people who are directly involved in the operations and not talking to them at all. However, that seems to be par for the course in the way this particular government chooses to operate: it consults after it has decided and you can be told about it once it has already made its decision. The Hon. Caroline Schaefer and I met with representatives of the Festival State Rodeo Circuit on Friday (Mr Mark Heuritsch and Mr Andrew Brown, both committee members of that organisation). We were quite surprised to find that they did not even know at the time that the regulations were to be tabled.

We do need to debate this, and all members of parliament should be given an opportunity to decide whether or not they support these regulations. We hope to organise a briefing so that members of the rodeo organisations can come and put their case so that all parliamentarians can hear directly for themselves rather than take it from Liberal members who are

seeking to represent them. We will notify you of that in due course.

The argument that the rodeo people have put to us—which seems incredibly rational to me—is that the regulations are flawed, especially regarding the assumption that smaller animals of lighter weight are subject to greater injury. They keep statistics—which are quite comprehensive—and they have provided them to us. Over the period 2002-06 in 4 106 runs in the rope and tie event there was one injury. In the steer roping, which is a minimum of 200 kilos, there were 1 786 runs and two injuries. If one compares that with the other animals, the injury rate is much lower. That is one of the assumptions in the regulations which, prima facie, is quite flawed.

Furthermore, this is additional regulation. This industry is already regulated through federal codes. Rodeos comply with codes, which are published on the federal Department of Agriculture, Fisheries and Forestry website at www.daff.gov.au/animal-plant-health/welfare/nccaw/guidelines/display/rodeo. That site brings up several documents, including 'Standards for the care and treatment of rodeo livestock'. It is quite specific. The areas include: responsibilities of rodeo personnel, rules for the care of livestock, equipment requirements and specifications, stock selection and use, arena selection and use, and specific rodeo events. Part 4, 'Equipment requirements and specifications', outlines the use of electric prods, handling aids, event equipment, spurs, flank straps, protective horn wraps, neck ropes and jerk line. The topics in Part 5 include horses, cattle, selection of animals for rope and tie, selection of animals for steer wrestling and selection of animals for team roping. It refers to the weights and so forth, so it is quite detailed.

This code has been developed by a broad range of representatives including animal welfare people, livestock experts and veterinarians. It is not a yo-hick committee that has emerged out of nowhere. It is a national code. Therefore, the point of overlapping that with state regulation is questionable. The rodeo people keep statistics on injury rates, and they have provided those for the years 2001-06, and in relation to 14 000 annual events on average there is an injury rate of five per annum—which is incredibly low. I table the Australian Professional Rodeo Association's letter to the minister, which outlines its case quite cogently.

I commend this motion to the council. I think it is absolutely outrageous that these people have not been consulted and that their concerns have not been taken on board, merely because the government is picking on what it presumes to be a soft target, saying that it is tough on something, because, as we know, there is little substance behind it. I commend the motion to the council.

The Hon. CAROLINE SCHAEFER: I rise to support the disallowance motion. I was astonished to hear that the people most affected by the introduction of these regulations had not been consulted and had not been informed of their introduction. I know that, if we decide that these things have some vicious underlying meaning, generally they are purely a stuff-up. One would have to wonder why it is necessary to bring in variations to the Prevention of Cruelty to Animals Act regulations, all specific to rodeos, when at the same time the minister has introduced a new bill amending the entire act, with, again, specific reference to rodeos. So, one would then think that these regulations are being rushed in because there has been some huge increase in injuries or proven cruelty to animals at rodeos. As the Hon. Michelle Lensink has quite rightly pointed out, in fact the number of injuries to animals at rodeos is absolutely minuscule across Australia, largely because they are heavily self-regulated.

When I saw and read these regulations I assumed that, for some reason best known to herself and the rodeo association, the minister had, in concert with it, decided to mandate its own codes of practice. Instead of that she has introduced a series of regulations which, in many cases, make no sense, not only without consulting these people but without informing them that it was happening. Yet there is, amongst other things, quite a heavy fine if these regulations are not displayed at each rodeo. So, they were up for a maximum penalty of $1 250 if the regulations were not prominently displayed, and yet they were not even told that they had been introduced.

The optimum weight for an animal which is to be roped and tied has been scientifically proven to be between 100 and 130 kilograms, and preferably about 115 kilograms, and yet, again for some reason best known to herself, the minister has made it illegal to have roping and tying of an animal under the weight of 200 kilograms. I do not have much experience in roping calves but I know that to rope a 200-kilogram beast would be very difficult, and it would probably be more likely to cause injury to either the horse or the beast than roping a smaller calf. This set of regulations appears, to me, to be the first step in getting rid of rodeos and, as always, little reference to economic development or economic sustainability within country areas has been taken into account.

Small places like Carrieton and Marrabel, for instance, have one major event a year, and that is their rodeo. The entire community are involved with it and they are great money spinners for those small communities. I do not know whether the minister has attended a rodeo in the past 10 to 15 years, or ever. Certainly, I am not someone who frequents rodeos but I have been to the odd one over a period of probably about—I hate to say it—50 years.

The Hon. J.S.L. Dawkins interjecting:

The Hon. CAROLINE SCHAEFER: I do not remember that one, of course. Certainly, in that time the standard and condition of the animals, the care of the animals, the professionalism of the sport, has increased exponentially. The animals are now well cared for. The horses are very valuable, and they are very often bred specifically to buck, and they love it. They buck, they get rid of the rider and then they walk out of the arena with their heads down and eating hay.

I think that these regulations are silly, ill conceived and have no purpose. I think that it is quite immoral that they have been introduced without, as I say, any reference to the people most affected by them or, indeed, to the communities affected by them, so I support the disallowance.

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

STATUTORY AUTHORITIES REVIEW COMMITTEE: MEDICAL BOARD OF SOUTH AUSTRALIA

The Hon. B.V. FINNIGAN: I move:

That the report of the committee on an inquiry into the Medical Board of South Australia be noted.

The Statutory Authorities Review Committee is charged by the parliament with reviewing the performance and role of authorities established by statute and making recommendations to improve the work of such authorities in the public

interest. The Medical Board of South Australia is one such authority, and its satisfactory performance impacts on the lives of every citizen in our state. South Australians expect that, when making use of the services of doctors and specialists, they are dealing with a qualified and accredited person. Confidence in the system of regulating the registration of medical professionals is vital to the proper functioning of the public and private health systems.

The committee began this inquiry some three years ago (when you were the chair, Mr President), and in that time it has heard evidence from the Medical Board, professional bodies, medical practitioners, and members of the public. During the course of the committee's inquiry, there has been much change in this area, including the passage of a new act of parliament governing medical practice and the appointment of a new board. A renewed focus on proper and effective regulation of medical practitioners is welcome.

To give greater emphasis to this focus, the committee tabled an interim report earlier this year that made many important recommendations. Many of these were implemented by the Medical Board, and this is noted in our final report. In considering all the representations to the committee, the focus of members has been on assessing whether the Medical Board fulfils its obligations in a timely, courteous, professional and competent manner. I summarise the key considerations of the committee to fall into three areas: registration of practitioners, complaint handling and preventing illicit drug use.

In relation to the registration of medical practitioners, the current system entrusts to the Medical Board the role of registering medical practitioners and medical students on an annual basis. Doctors and students pay a fee for registration to the board. There has been discussion at a national level regarding a nationally consistent approach to medical registration; these discussions are ongoing. Queensland and the Northern Territory have adopted a more overarching system of registering all practitioners through a single body, rather than a number of separate board structures. The committee recommends this model worthy of investigation.

The committee favours a more open approach to information regarding practitioners being available to the public. This follows successful models in other jurisdictions. Such a system would enable members of the public to see detailed information about practitioners on the internet, including past findings against them by the board or tribunal. The committee considers it necessary to ensure that codes of conduct are publicly available and that practitioners regularly commit to such codes.

On the matter of complaint handling, the committee heard evidence that, in numerous instances, the board's handling of complaints has failed to meet adequate standards of service. In particular, there were occasions which saw a lack of prompt and effective communication with the people with whom the board engages, be they members of the public or medical professionals. There are thus a number of recommendations that seek to ensure a more timely and customer responsive approach to dealing with complaints. This includes use of mediation where requested by the consumer. The committee is concerned that the public may find it difficult to know where to lodge a complaint, given that the Medical Board, the AMA, the Ombudsman and the Health and Community Services Complaints Commissioner may deal with complaints. It is important that the board's website makes clear what complaints the board handles and that the necessary forms, and so on, are easy to obtain.

The committee considered the matter of more lay representation on the board and in particular its mechanisms to assess complaints against practitioners. While the needs of the public are paramount, I am not convinced that the committee has heard evidence that a model with equal medical and lay or legal representatives will serve the public best. In my view medical practitioners are best qualified to assess the clinical judgment and practice of other practitioners. This can lead to a perception that doctors protect their own, and in some areas of great speciality it means peers assessing the performance of their friends and close colleagues.

I am not satisfied that non-practitioners, whatever their experience of the health system, can truly make an adequate assessment of whether doctors have acted appropriately in a medical sense. I am gravely concerned that such a model has the potential to imperil the lives of patients by substituting a less than optimal judgment in the interests of transparency.

The committee spent some time deliberating the question of how best to prevent use of illicit drugs by doctors and other medical practitioners. The committee is united in seeking to ensure patient care is never compromised by the abuse of any drug, be it alcohol, prescription mediation or illicit drugs. There is debate over what evidence exists regarding the link between the taking of such drugs and impairment in certain areas. Without making any definitive assessment, I take the view that maximum patient safety will be ensured with an approach that does not tolerate any use of illicit drugs while practising medicine.

The committee heard evidence regarding cases where known illicit drug use went on for some time without satisfactory intervention by the Medical Board. This is not acceptable and all reasonable steps should be taken to try to prevent it. The committee recommends that the Medical Board have the power to randomly drug test practitioners, overseen by the Department of Health. The committee believes this will assist in improving a culture within the profession that sees illicit drug use as unacceptable.

There was much discussion within the committee about whether such random drug testing should be at the discretion of the board, or whether it should be mandated at regular intervals for all practitioners and students. The majority of the committee decided that the actual administration of this power should be up to the board and the Department of Health. Regular testing of significant numbers of practitioners would be necessary to make the regime effective.

It is critically important that there be a mechanism to drug test where some suspicion of drug use is reasonably advanced. This of course should be done in such a way that no practitioner can be identified as the target of the tests. While it would be possible to drug test all practitioners and students twice a year, it would be a large logistical task and place greater strain on practitioners who are already facing the pressure of growing health needs in our community. I am not satisfied that such widespread testing would be the most effective way to prevent illicit drug use among doctors. In particular, the testing would be at great expense to the public purse. One estimate was of the order of over $11 million annually. If we posit that the cost could be brought down to half that sum, that would still be some millions of dollars not being spent on patient care. On the evidence presented to the committee, I do not see that across the board random drug testing is the most effective way of preventing illicit drug use by practitioners, and the cost would be prohibitive.

In conclusion, the committee spent a lot of time and energy over a number of years on the inquiry into the Medical Board of South Australia. The final report of the committee makes many important recommendations that seek to improve the effectiveness of the board and increase its capacity to serve the medical profession and the people of South Australia. I extend my thanks to previous members of the committee who have worked on this inquiry in the past, including yourself, Mr President, and the Hon. Caroline Schaefer, the Hon. Andrew Evans and, in particular, the Hon. Michelle Lensink, who did quite a bit of the preparatory work in assisting to put the final report together, before resigning from the committee recently. The Hon. Mr Lucas has only recently come on to the committee. As he was not involved in the preparation of the report or the deliberations, he effectively abstained from the final report.

I thank all current members of the committee for their assistance and effort in bringing this inquiry to completion. I thank especially the committee secretariat, who do much work on the committee's behalf: the secretary Mr Gareth Hickery, research officer Ms Jenny Cassidy and administrative assistant Ms Cynthia Gray. I trust this report into the Medical Board of South Australia will be of benefit to the community in advancing the cause of providing world's best health care to the people of our state through proper and effective oversight by the Medical Board of South Australia. I sincerely hope the Minister for Health, the Hon. John Hill, and the Medical Board give the report their earnest consideration. I commend the report to the council.

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

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: MUNICIPAL SERVICES FUNDING

The Hon. J. GAZZOLA: I move:

That the report of the committee on an inquiry into the impact of Australian government changes to municipal services funding upon four Aboriginal communities in South Australia be noted.

The Australian government's Department of Families, Community Services and Indigenous Affairs planned to cease municipal services funding to 31 Aboriginal community councils and organisations across the country from 31 December 2006. Each of the 31 communities is located within a local government area, and five of these communities are located in South Australia, namely, Davenport Community Council (within the local government area of Port Augusta City Council), Umoona Community Council (within the local government area of the District Council of Coober Pedy), Raukkan Community Council (within the local government area of the District Council of Coorong), Koonibba Community Council (within the local government area of the District Council of Ceduna) and Point Pearce (within the local government area of the District Council of Yorke Peninsula).

The proposed funding changes that were to take effect from 31 December 2006 were extended to 30 June 2007 with some funding cuts already experienced by the Davenport, Raukkan and Umoona communities. In accordance with the act, the Minister for Aboriginal Affairs and Reconciliation requested that the Aboriginal Lands Parliamentary Standing Committee inquire into how recent changes to Australian government municipal services funding have affected the ability of Aboriginal communities to undertake governance functions and how this affects the provision of other services to the community. Accordingly, the committee commenced its inquiry and, over the course of four meetings from 28 May to 18 June 2007, it heard evidence from 21 witnesses representing Aboriginal Community Councils, Aboriginal Community Development Employment Project (CDEP) organisations and local government councils.

The witnesses appearing before the committee raised with clarity and concern many current and emerging issues regarding employment, governance, service delivery, community viability and morale, and the consultation process with the Australian government. Their evidence, summarised in the inquiry report, describes in detail the profound effects that the changes to municipal services funding are having (and will have) on their councils and communities. Yet, during the course of the hearings, neither the committee nor the witnesses were able to understand a clear policy rationale for the changes, and it needs to be clearly articulated to all stakeholders. These funding changes have caused significant employment losses within community councils, and this has caused great distress and uncertainty in the affected communities.

Witnesses have described the changes as occurring suddenly, without adequate consultation, transitional planning or exit strategies to manage the change process. The changes are not fully understood, nor have they formally been agreed to by community councils. With the loss of employment and the loss of administrative and management support to community councils, their functionality and governance capacity have been seriously threatened to the point where three of the four councils are struggling to find the resources to govern and lead their communities. External organisations and agencies have found it (and will find it) extremely difficult to engage these communities.

The committee heard that the community councils have compensated for the funding losses out of their own limited community reserves, resources and revenue by paying for redundancies from council savings, maintaining the office with community volunteers and using much-needed rental income to pay wages. With the loss of employment and governance capacity, municipal service delivery by community councils has been greatly reduced. Only weeks before the changes were to be implemented, all councils have stated that they still do not know who will be delivering what services, when and how.

Witnesses stated the urgent need for timely, consistent and clear communication, culturally respectful and inclusive consultation and sufficient transitional planning to address the issues and adjustments was needed to positively manage the change process into the future. From their evidence, these communities feel confused, disrespected and disengaged from the change process and fear for their future survival. They acknowledge the need to change but want it in partnership with all stakeholders. Their many positive stories attest to their community strengths, achievements and abilities, and their important contributions to the social and cultural harmony of the wider regional community.

The committee has recommended in the report that the Australian government defer the implementation of changes to municipal services funding in South Australian Aboriginal communities due to commence on 1 July 2007; commit to quarantine the municipal services funding identified for each Aboriginal community prior to any earlier funding changes; develop transitional plans for each Aboriginal community in

joint consultation with all stakeholders; ensure timely, clear and culturally respectful consultation and agreement with all affected Aboriginal communities; and adopt the key principles in municipal services funding negotiations as agreed to by the chief executive officers of the five affected local government councils.

The report was forwarded to the Minister for Indigenous Affairs, the Hon. Mal Brough, on 28 June 2007. The committee received a written response from the Hon. Mal Brough on 20 July 2007, in which he advised that there will be an extension of Australian government municipal services funding for a further year until 30 June 2008. He further went on to advise that this funding will be distributed through a combination of state and local government authorities, local indigenous community organisations and the South Australian Aboriginal Lands Trust. I commend the report to all members of the Legislative Council.

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

TRISTAR

Adjourned debate on motion of Hon. M.C. Parnell:

That this council notes—

1. the long running industrial dispute at Tristar Steering and Suspension Australia Limited; and

2. the location in Adelaide of the company's owners and directors,

and calls on the Premier to convene a meeting of the parties to the dispute, with a view to assisting in its resolution.

(Continued from 1 August. Page 602.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): I rise to indicate that Liberal members will oppose this motion. The principal reason for our opposition is that this motion calls for the Premier to convene a meeting to assist in the resolution of the Tristar industrial dispute, when it is clear that he is indifferent to the workers in that dispute. As everyone in South Australia knows, Premier Rann would convene such a meeting only if he knew that the dispute had already been resolved by the parties. In other words, he would intervene only if he could claim credit for resolving the dispute.

Put another way, Premier Rann would be interested only in grandstanding. We have to admit that, on 25 July this year when the motion was moved, the mover himself participated in some grandstanding. The fact is that, on the very day that the motion was moved, a union official and one of the Tristar workers came to Adelaide for a pre-arranged media opportunity. They set up a stand on the steps of Parliament House and did TV interviews. No doubt this motion was part of the TV events planned for that day.

Ordinarily, some might have expected a Labor member to move this motion or, at the very least, one of the many former union officials in this place to jump to their feet after the mover had finished and fiercely beat their chest in support of the union cause. However, all of them were anchored to their seats. They were silenced by the fact that Premier Rann did not want to get involved in something which might not enable him to emerge victorious. Members should be indebted to the Hon. Mark Parnell for highlighting the indifference which Premier Rann and minister Wright have shown towards the Tristar workers.

He revealed how—unlike many prominent Labor figures—Premier Rann refused to visit Tristar workers when he was in Sydney. It would be the height of hypocrisy for Premier Rann to convene a meeting to assist the cause of those workers. Such a meeting would have been seen as a cynical sham. On 27 July *The Advertiser* reported that the Premier refused to meet the union officials or the Tristar employee in Adelaide on the previous day. The Premier said that it would have been inappropriate because the matter was before the federal court. He then went on to say:

I will not comment on something that is before the court of law.

That comment is laughable. The Premier is very happy to criticise the South Australian courts whenever he can get some political mileage from his actions. However, the Premier was quite correct in saying that the Tristar dispute was before the courts. The federal Workplace Ombudsman has been prosecuting Tristar in the federal court. The hearing had been set down for this month. On 21 June 2007 the Full Bench of the Australian Industrial Relations Commission made an order terminating Tristar's certified agreement. At that time, the commission held that Tristar had not complied with its redundancy-related obligations under the certified agreement.

Much of the angst in the Tristar dispute was removed when the federal government amended the Workplace Relations Act in December 2006. The amendments ensured that the redundancy provisions and agreements were preserved for 12 months after the agreement. This was the first time such measures had been enacted. As the Hon. Dennis Hood mentioned earlier this year, Family First introduced amendments in the federal parliament to extend the preservation period for an agreement based on redundancy entitlements to 24 months, and the federal government supported that amendment. This means that Tristar employees with redundancy entitlements will be protected for up to two years from 21 June 2007.

We believe that industrial disputes of this kind should be resolved in accordance with the established rules. We do not believe that politicians should weigh in when issues are being dealt with by the appropriate authorities. More importantly, we do not believe that politicians should weigh in on any issues where their previous indifference to the issue would make it hypocritical for them to do so. It is for those reasons that we oppose this motion. However, our position on this motion does not mean that we approve of the actions taken by the employer in the Tristar dispute. That is not the issue here. The issue is: should Mr Rann intervene? We say he should not.

The Hon. A.M. BRESSINGTON: I thank the Hon. Mark Parnell, the Hon. Rob Lawson, the Hon. Dennis Hood, the Hon. Nick Xenophon, the Hon. Sandra Kanck, and now the Hon. Mr Ridgway for their contributions on this matter. I support the motion of the Hon. Mark Parnell calling on the Premier to resolve the dispute between Tristar and its employees. I am actually gobsmacked that the opposition has chosen not to support this motion.

I acknowledge the efforts of Family First's Senator Steve Fielding to ensure a fairer deal for Tristar workers, who would have collectively been entitled to receive a net total of $4.5 million but, by allowing the employees' contracts to lapse, Tristar would be required to pay its workers only $1 million, saving itself $3.5 million. Whilst I accept that Tristar may not have acted illegally, on the face of all the evidence presented by Mr Mark Parnell and Mr Allan Jones,

there is clearly a public interest aspect in this case that demands closer attention and resolution.

It is also my concern that those workers who have brought pressure to bear on Tristar to settle these matters should not be shut out of the process of negotiating fair and proper compensation or redundancy payments so as to be held up as an example of what can happen to perceived troublemakers. Just because an employer is lawfully permitted to disadvantage its employees does not mean we ought to permit employers to shirk their moral, social or corporate obligations to pay fair wages and conditions for work already done by otherwise low-paid workers.

The situation facing Tristar workers is both unjust and tragic in view of the significant losses those workers stand to make, and it is interesting that, whilst this employer has exploited the flexibility offered by the federal government's WorkChoices options, Joe Hockey and John Howard have themselves described Tristar's behaviour as 'criminal', 'ratbags' and 'immoral'. The fact that a loophole that the company can exploit exists should give this employer no opportunistic relief.

I understand that the company's operations manager has stated that the company has no customers, no clients and no contracts and has not functioned since early 2006, at a time when its workers would otherwise have been entitled to substantial redundancy pay. A South Australian company that we are told turned over $70 million a year and for whom many loyal employees have worked for decades surely can do better than this, and surely its employees deserve better.

It is shameful that, as shown in the case of the late John Beavan, a South Australian company should deny voluntary redundancy to a person who is already in a hospice when other workers have had their redundancies approved. Although the company, under extreme media and union pressure, eventually delivered Mr Beaven's redundancy, it paid only a quarter of the more than $200 000 he was owed. I concur with the Hon. Mark Parnell's view that the company's actions in this case were abhorrent and morally reprehensible, and that this is not the only case where that is demonstrably so. As I said, I support the Hon. Mr Parnell's motion and look forward to hearing the opinions of other honourable members.

The Hon. M. PARNELL: I think that honourable members who intend to speak to this motion have spoken and, as I did circulate a note saying that I wanted to bring this matter to a conclusion today, I now propose to conclude the debate on this motion, to update members of some recent developments, and to thank honourable members for their contributions.

I would like to update honourable members on developments in this dispute. I will not repeat the history, as a number of other members have done, but I would first like to declare what I think is excellent news—that is, after 12 months of being told to turn up to work to do nothing, 24 of the workers at Tristar have now been told that they are officially redundant, and it appears increasingly likely that they will be paid their full entitlements. However, that does still leave seven workers in limbo, including the union delegates and others who have had the courage to speak out.

Greg Rutherford is one of those members. Greg Rutherford is the worker who came to South Australia, and we were very pleased to sponsor his visit. In fact, he was the Tristar worker who gave a media conference on the steps of Parliament House (as alluded to by the Hon. David Ridgway). Whilst the Hon. David Ridgway seemed to suggest that there was something improper in having a motion in parliament and having some media attention on the same day, I say to the honourable member that, of all the things I have done in my year and a half in parliament, the one that has given me the most pleasure and the one of which I am most proud is helping those workers, whose case was just appalling. I was very pleased to give them an opportunity to tell their story to the South Australian media.

However, until all workers have received the entitlements they are owed, there remains a significant and positive role for Premier Rann to play in intervening and helping to resolve this dispute. In many ways we are now so close, and my contention is that an intervention now would be timely and highly effective. In spite of some of the sniping that has gone on around this issue, I believe that the issue can transcend party politics. Members of parliament from all sides of politics, federally and at the state level, have raised these concerns and, whilst I listened with great interest to the Hon. David Ridgway's contribution (which was, effectively, along the lines of not wanting to give the Premier a platform that he does not deserve), I think the honourable member sells his party short. His party has played an important role in this dispute. In particular I note Joe Hockey, the federal Minister for Employment and Workplace Relations, who said, in an interview on 25 July on *Meet the Press*:

> I am actually pointing out to the company, and I did point out in explicit terms, that they should pay the full redundancy to the workers, the workers were entitled to it, the company had reduced its workforce from around 350 to 30 workers. And the 30 workers left had the biggest redundancy entitlements and the company was trying to avoid paying their redundancy, and I went in to bat for the workers and make no apology for that whatever.

Good on you, Joe Hockey! He also said, in the same interview:

> I went down to the factory, as did members of the Labor Party, and it was pointed out clearly to us that there was no work; therefore, the remaining workers should be made redundant.

The other thing that honourable members have referred to is a quote from a media interview with Joe Hockey about the directors of the company, as follows:

> They are behaving like ratbags. So, let's see what we can do, okay.

That is at the heart of my motion, that is, to say, 'Let's see what we can do. Let's see whether Premier Rann can use his influence over the directors of Arrow Crest.' Joe Hockey also said:

> I've had robust discussions with the directors of Arrow Crest and they have agreed to pay Mr Beaven—

he is the worker who died—

> his full redundancy.

Has Premier Rann had robust discussions with his friend Mr Gwinnett? Has he had robust discussions with any other directors of the Arrow Crest group? I am disappointed that the Labor Party has chosen not to engage in this debate. I gave notice a month ago that we wanted this to be—

The Hon. G.E. Gago interjecting:

The Hon. M. PARNELL: I sent out two requests to people, and all other honourable members honoured that request, as I have honoured the request of others who have wanted to bring matters to a debate. If I am not ready, for reasons that are not reasonable, I will let the matter go through. I am very disappointed that the Labor Party has not seen fit to engage in this debate. Let us have a look at what

the Labor Party's leader, Kevin Rudd, is saying about this. Kevin Rudd, in the media in March, said:

> I'm deeply concerned about the way the Tristar employees have been treated. . . This has been a despicable scandal that has gone on for far too long.

Until those last seven workers get their proper redundancy, this matter will continue. It just amazes me that, with the mildest of asks, the tamest of resolutions this council could possibly pass, asking the Premier to try to help resolve this dispute, we find that we cannot get any cooperation at all.

At this stage, I acknowledge and thank those members who spoke on this motion last month, that is, the Hon. Nick Xenophon, the Hon. Sandra Kanck, the Hon. Dennis Hood and the Hon. Robert Lawson. I agree with the Hon. Robert Lawson that it was curious then and it is curious now that Labor members are not engaging in the debate. I thank today the Hon. Ann Bressington for her support, and I also acknowledge the contribution made by the Hon. David Ridgway. I think the approach of not supporting this motion because it might give the Premier the chance to claim credit for something he has no entitlement to is one of the lamest reasons I have ever heard for opposing a motion. I think this matter is important. We are close to the end, and perhaps the intervention of the Premier will tip the scales and see these last workers finally get closure and finally receive their entitlement. I commend the motion to the council.

The council divided on the motion:

AYES (6)

Bressington, A.	Evans, A. L.
Hood, D.	Kanck, S. M.
Parnell, M. (teller)	Xenophon, N.

NOES (15)

Dawkins, J. S. L.	Finnigan, B. V.
Gago, G. E.	Gazzola, J. M.
Holloway, P. (teller)	Hunter, I.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Ridgway, D. W.
Schaefer, C. V.	Stephens, T. J.
Wade, S. G.	Wortley, R.
Zollo, C.	

Majority of 9 for the noes.

Motion thus negatived.

TOBACCO PRODUCTS REGULATION (OUTDOOR EATING AREAS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 293.)

The Hon. SANDRA KANCK: The Democrats have a long tradition of being innovators in tobacco law reform. I have cooperated with governments and also pushed them further, sometimes, than they want to go to bring about public health measures relating to tobacco control. If we had listened to the doomsayers in respect of South Australia's smoke-free dining laws, we would have believed that the hospitality industry would grind to a screaming halt. We were told that people would abandon eating out because they would not be able to light up in restaurants. There was going to be economic ruin for the hotel industry, and thousands of jobs were going to be lost. Well, it did not happen. The industry panic merchants who foresaw no end of trouble from smoke-free dining have been proven wrong. People love it. Even the smokers support smoke-free dining. And the sky has not fallen in.

With the cafe culture and a large number of pavement restaurants across the state, it is now a natural progression to expand the protection of non-smokers and hospitality workers to the outdoor eating areas. I am very disappointed that the government has not taken up this initiative of its own accord. It has managed to drag its feet on every other aspect of tobacco regulation in recent times and, at the same time, beat its chest about its reform. So, in this case, it has failed to take on the obvious. Other jurisdictions have seen the necessity for tougher measures, but not South Australia. Instead of leading the country, as we could have—and even the world, as we did a decade ago—the Rann government has limped slowly along. It is as if we as a state are stricken with some strange tobacco-borne illness that has clogged our thinking about how to legislate for decent public health policy.

Families are the foundation of society, and the ability of families to participate together in activities in a suitable family friendly environment is important. My own clean air zones amendment to the Tobacco Products Regulation Act was not supported in this chamber, yet many of the arguments being put forward to support clean air in outdoor eating areas are the same ones that I used. I would like to strengthen this bill through amendment by again including my proposals for clean air at the Christmas Pageant, the Royal Adelaide Show, children's playgrounds and events where children make up a significant part of the audience and at bus stops. I would certainly welcome discussions with the Hon. Mr Hood or others who would like to further such positive public health measures. However, if it turns out that we need to work issue by issue, place by place, bill by bill, to make South Australia a fairer, safer and healthier place, so be it.

I do not believe that we can have tighter tobacco control without more generous tobacco cessation programs. The two things need to go hand in hand. It is time that we took away the excuse for not stopping smoking, which I have often heard—for instance, the gum or the patches are too expensive. We need to recognise the addictive nature of tobacco and treat it as an addiction. Like teaching children their times tables, I will keep reminding MPs in this place of the *Lancet* article last year, which showed that alcohol was the fifth most dangerous drug, tobacco the ninth and others, such as cannabis, LSD and ecstasy, trailing behind. So, it is good that we are getting our priorities right and targeting tobacco.

The Hon. Caroline Schaefer: What is number one?

The Hon. SANDRA KANCK: Heroin. It is wonderful how well received the current smoking bans have been, and it is time to take them further. In so doing, we are protecting families and giving workers a safer workplace—and also in outdoor areas; you try waiting on tables where there are two, three or four smokers all puffing away and see whether your workplace is not contaminated with airborne toxins. I commend this initiative, which recognises that families need protection from tobacco smoke in outdoor eating areas. I indicate Democrat support for this important bill.

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

SUMMARY OFFENCES (SCHOOLIES EVENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 476.)

The Hon. A.L. EVANS: I rise to indicate Family First's support for the second reading of this bill. Family First will strongly support any measure designed to safeguard our youth and decrease the consumption of alcohol and illicit drugs. Schoolies Week this year will commence after the end of the year 12 exams in late November, and the schoolies festival will be held at Victor Harbor from Friday 23 November to Sunday 25 November. Before I move to the various aspects of the bill, I want to pay tribute to the wonderful people at Encounter Youth, including Christy Spier, who we have talked to at some length about this proposal. Since 1999, Encounter Youth, a faith-based group, has been primarily responsible for organising the schoolies festival.

Prior to Encounter Youth involvement in 1999, Victor Harbor was subject to a large number of fairly wild and independent parties at the conclusion of year 12. Encounter Youth has changed the face of the Schoolies Week festival, and I should say that our Schoolies Week—which is comparatively crime and trouble free—is the envy of many other states. I understand that Queensland has even been asking from input from our Encounter Youth teams as to how their chaotic Schoolies Week can be managed in a better way. Reported incidents and offences have continued to drop since Encounter Youth involvement and, in 2006, there were no reported incidents within the enclosed festival area. That result is a tribute to the Encounter Youth workers and the multitude of church-based volunteers who give their time to the festival each year. As a speaker at the festival last year, I noted the general good behaviour within the enclosed area and the fantastic work of people such as Andrew Szemis who ran the 'chill-out' tent.

The schoolies festival is the largest gathering of high school students in South Australia. Last year, 4 000 tickets were sold to the festival, and of the 4 000 tickets some 200 to 300 tickets were sold to non-school students. In some cases, these tickets were sold to boyfriends or girlfriends of school leavers who also wanted to be present at the festival. However, in many other cases tickets were sold to older persons known as 'toolies' who, in some cases, were there for questionable purposes. I understand that the current control method being employed by Encounter Youth is to price the tickets for non-school leavers $10 to $15 higher so as to price them out of the festival. I also understand that they have previously spoken to SAPOL about barring non-school leavers. I also note that Western Australia, as I understand it, restricts its festival to school leavers. Queensland is too large to control, but they employ methods to restrict accommodation to school leavers only.

This bill proposes that only school leavers be allowed access to the enclosed area, a proposal which Family First accepts. Should an adult wish to supervise their child at the event, or an older boyfriend or girlfriend wish to attend, then they should do so as a volunteer and be subject to police checks required by volunteers assisting at the event. The bill also requires that all events must take place within enclosed areas. I believe that this provision will cement in place the important role that Encounter Youth plays in coordinating the festival, and Family First is willing to support this measure. Therefore, Family First pays tribute to the tireless work of the Encounter Youth teams and congratulates the Hon. Ann Bressington on her concerns for school leavers. We will support the second reading of the bill.

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

STATUTES AMENDMENT (GANGS) BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 201.)

The Hon. SANDRA KANCK: The Hon. Ann Bressington, in introducing this bill and in her second reading speech, has highlighted an awareness of what life is like in some of the tougher parts of Adelaide, and I think that is very valuable to a parliament which is generally made up of people who have lived safe and privileged lives. I have noted her reports of the fear caused by armed and violent gangs in parts of Adelaide and I have also followed the debate about disruptive tenants in the Housing Trust, having taken up the issue a decade ago when no-one else was paying any attention to it. I understand that this bill is responding to a real problem. Unfortunately for the mover, however, I find that it is the wrong response because it becomes yet another attack on our freedoms. It is disproportionate, it uses a sledgehammer to crack a nut, it is open to abuse, and I really do not believe it will work.

Ideas like freedom and civil liberties seem to have become dirty words, but these rights and freedoms are also our protections. We need police and gaols and armies to protect us from criminals and terrorists and invaders. However, we need freedoms and rights to protect us from abuse of power by governments, the police and our armed services.

Contrary to popular stereotype, the Democrats do understand issues of security. Two of our candidates in the forthcoming federal election (our Boothby and Barker candidates) come from ASIO and military backgrounds. I will now outline my specific concerns about provisions in the bill. There is a provision that the Governor may, on the advice of the Police Commissioner, declare an organisation or a group to be a criminal gang. This provision is open to abuse. Unless the Governor has a background in law or public administration and understands concepts such as rights and processes, they will do what the Police Commissioner recommends.

I believe that the special powers of police are open to abuse. The powers to stop, search and detain are, as Ms Bressington said, modelled on the terrorism laws. We can argue about how far we might want to go to stop a suicide bomber, but it is another thing entirely to take these sorts of powers and deploy them against what are generally disorganised criminals without anything like the same lethal capacity. I remind members that crime and violence are not a new thing and we do have many laws and a wide range of police powers already.

The bill includes provision for what are called Anti-Social Behaviour Orders (ASBOs). This means a person found by a court to warrant such an order can be prohibited from doing almost anything the court sees as necessary to protect the community. These orders will last for a minimum of two years. These ASBOs were pioneered in the UK and there are now widespread calls for their removal. The British Institute for Brain Injured Children found that a third of under-17s issued with an Anti-Social Behaviour Order had a diagnosed mental health disorder or learning difficulty.

As is often the case, the people most likely to be swept up by this sort of law and order campaign are those at the bottom of the ladder. A government and a parliament that brings in tough laws without making sure that community and education programs are adequately resourced is effectively waging war on the poor. Just because someone has a brain

injury does not mean they are not violent or dangerous but, instead of a two-year order on such a person, it would make more sense to combine protection with other measures to help that person and their family deal with the mental health issue and their learning difficulties.

I also predict that the magistrates will not apply these ASBOs in the way that the Hon. Anne Bressington would like. They will see them as too crude and over the top and will not issue them. The only result will be to clog up the courts and tie up police resources. There is an alternative: when gangs form and terrorise a community we need a rapid response from police, community workers and child protection agencies. They should identify who is dangerous and needs a police response and who can be diverted into a constructive alternative such as Operation Flinders. The role for family and community and family support for pulling young people out of gangs should also be taken into account. This is about resources and intelligent, responsive use of our police and community services, not tough new laws. In most cases it would be faster, cheaper and more effective than dragging people into the courts and it does not threaten our fundamental human rights.

To summarise, this bill would give police powers that could be abused; it will be resisted by the judiciary; it is disproportionate and, basically, it will not work. I urge members to oppose it. I will not be supporting the second reading.

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

SECURITY AND INVESTIGATION AGENTS (CROWD CONTROLLER LICENCE SUSPENSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 203.)

The Hon. D.G.E. HOOD: I indicate Family First's support for the second reading of this bill. I congratulate the Hon. Ann Bressington on raising this important issue. Family First believes in fairness and believes that the majority of security guards in South Australia are honest, hard-working, family-minded people and disciplinary measures against them should not be overly heavy handed. In fact, my father was a security guard for many years and always did the right thing, no doubt. The Commissioner of Police has the power to suspend a security agent's licence upon the agent being charged with a specified offence. In the case of offences relating to drugs, firearms or violence that suspension is mandatory—and rightly so. In some cases, such as some recent high profile cases, a licence cancellation is certainly warranted and Family First has no problem supporting those recent decisions.

The Hon. Ann Bressington's amendment to the act gives the Commissioner discretion as to whether a crowd controller's or security guard's licence should be suspended pending the resolution of a police charge. The honourable member points to concerns raised with her by Mr Charles McDonald regarding the current approach used. It is possible to imagine cases in which a security guard who has a blemish-free record could be incorrectly or mischievously charged with a certain offence. Under the current system the automatic suspension of a licence pending trial in some cases would cause severe disadvantage to that guard and their family.

Many professionals will choose to step down or, in fact, be asked to step down while proceedings against them are underway. A school teacher, for example, might be obliged to take leave until criminal charges are resolved—if that is their day job. However, such suspensions are rarely automatic and the facts of the case are weighed. It may be appropriate to revisit procedures regarding security guards in light of the number of recent complaints in that area.

We reserve our position on this bill. We support the second reading as we think the Hon. Ms Bressington has raised a valid issue, but there are some concerns about either supporting or opposing it. There are good arguments on both sides. It is a heavy-handed bill. Some arguments would suggest it should be heavy handed because it is an industry which needs to be cleaned up. We reserve our position. We think it is a good debate to be had and we thank the Hon. Ms Bressington for raising the issue. We support the second reading and look forward to the committee stage of the bill.

The Hon. R.P. WORTLEY: The government opposes this bill because it seeks to dilute an important feature of the security industry reforms enacted in December 2006 by removing the mandatory suspension provisions that apply to a crowd controller who is charged—and members should understand the word 'charged' as opposed to 'allegation'—with a prescribed offence by a police officer or the Director of Public Prosecutions. The mandatory suspension provisions are a key component of the security industry reforms introduced on 8 December 2005. The mandatory suspension provisions ensure that crowd controllers involved in thuggish behaviour, such as that seen in the Hookes incident, are prevented from working without question once charged.

The mandatory suspension provisions serve as a deterrent to crowd controllers because they know that if they are charged with assault or a drugs or firearms offence they will be unable to continue to work as a security agent until the matter is appropriately dealt with. The offences that trigger the suspension of a crowd controller's or security agent's licence are as follows: common assault or an offence of violence; an offence against the Controlled Substances Act 1984 involving a prohibited substance or a drug of dependence; an offence against the Firearms Act 1997 or any offence involving the use of a firearm; an offence substantially similar to any of the above offences against the law of the commonwealth, another state or territory, or a place outside Australia.

These offences are serious in nature and they are entirely relevant to the safety of the community. It is appropriate that a crowd controller who is charged with any of these offences is prevented from working as a security agent until the matter is dealt with by the court or the charges have been withdrawn or dismissed and the Commissioner for Consumer Affairs is satisfied that the revocation of the licence suspension would not be contrary to the public interest.

I am concerned that the Hon. Ms Bressington plays down the matter by using the term 'allegation'. There is a big difference between an allegation of an offence and a charge. You can allege anyone has done anything, but once an allegation is made the police then investigate it and if they believe there is enough substance to the allegation they will then lay a charge. At that point in time a crowd controller should cease to work because they have been charged and

there is enough evidence there to support a charge for the offence.

I know myself, as the father of a 10 year old, who will soon be a young man (a youth) going to many functions with crowd controllers, I do not want any crowd controller there who is under charge of a violent offence, a drug offence or a firearms offence. The fact is that there are a lot of decent and hard-working, innocent people who work in the security industry, but there are also a lot of riff-raff and criminals, and they are the ones—

The Hon. A.M. Bressington interjecting:

The Hon. R.P. WORTLEY: Will you please let me speak—I did not interrupt when you were speaking. The fact remains that people like the father of the Hon. Mr Hood would never have a fear of this because the Hon. Mr Hood's father would never have been charged with an offence and would never have had a fear of the act. Decent people have no fear of the act. It is those people who are going to commit a crime who have the fear, and we should not be protecting them. What I would say to the members of this council is: oppose this legislation and allow those people who have been charged with an offence to have their licence removed, to protect the community and our children.

The Hon. B.V. FINNIGAN secured the adjournment of the debate.

PENOLA PULP MILL AUTHORISATION BILL

Second reading.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I move:

That this bill be now read a second time.

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

Leave granted.

This Government is committed to a policy of promoting economic, social and environmental outcomes for the State. It is also keen to provide applicants for development approval with a high degree of certainty where those applicants have properly demonstrated that their proposal will yield a benefit to the State of South Australia and those who reside within it and requires very significant capital investment.

The Bill being introduced today is consistent with these aims and is further refined as a result of a Select Committee Inquiry held in the other place, where all recommendations for amendment of the Bill put forward by the Select Committee were unanimously adopted.

The Bill introduced today thus incorporates the recommendations of the Select Committee.

The Development Assessment Commission approved a 350 000 tonne pulp mill on land at Penola in 2006. This approval was the end result of an exhaustive process that took into account comments from a wide range of Government agencies including the Environment Protection Authority and the Department of Water, Land and Biodiversity Conservation as well as neighbours who were entitled to make comment under the Development Act.

Approximately six months later, a legal challenge was made to the DAC's approval of the development meaning that for the intervening six months the applicant and the community have faced uncertainty as to whether, if at all, the approved development would be constructed.

With changes in circumstances, the Government has been informed that the proponent, Protavia Pty Ltd, wishes to establish a larger pulp mill on the same approved site at Penola.

Whilst the application would ordinarily be assessed by the DAC, this, in the view of the Government, could lead to another six months of uncertainty and unnecessary cost for the proponent and wasted opportunity for the State and for communities in the South East.

The Government believes this project to be of such significance that it warrants use of the legislative process to approve key elements of the proposal. The Select Committee determined that the use of special legislation for this project was acceptable. This Bill additionally seeks to establish procedures for the assessment of reserved matters and associated applications as well as stringent compliance procedures to ensure that environmental standards are met.

It is important to emphasise that, in taking this approach, the Government is not reducing any of the environmental standards that would normally apply had this proposal been assessed under existing Acts and Regulations. Indeed the Bill sets environmental standards that the proponent must achieve in order to progress the project and these are not just hurdles to skip over but are at a level that requires a successful pole vault effort!

Whilst the Government supports the normal processes contained within the Development Act, there is precedent for the use of legislation to advance major projects with development such as Roxby Downs being an example of such an approach. This approach, however, must be careful and considered.

The Government is mindful to ensure that there is an appropriate assessment process for reserved matters and variations incorporated into the Bill itself. In addition, the Bill makes the Governor responsible for determining reserved matters and associated applications after consultation with the relevant agencies. The Government seeks to ensure that a robust and considered process is put in place that appropriately balances the interests of the proponents with the interests of the community and the environment, thus the Bill sets a procedure similar to that relating to the assessment requirement under the Development Act.

The Select Committee determined, and accepted, that planning, resource sustainabliity, environmental, social and economic factors that otherwise would be integral to a major development process have been addressed by the Bill and the Select Committee's consultative and review process. Further, the Select Committee is of the view that the Bill, and the consultation and review processes conducted by the Committee, address the significant issues that an environmental impact statement would normally address.

The details of the works being approved in accordance with Schedule 1 of the Bill are set out in various documents which are specified in Schedule 1 and which I have today tabled in this House.

Schedule 1 of the Bill provides approval for the proposed development as well as the associated conditions and reserved matters the proponent must adhere to. Full consultation has occurred with representatives of the relevant technical agencies and statutory bodies that would have ordinarily been consulted under other Acts has occurred in the development of these conditions imposed on the proponent.

Schedule 1 also sets out the clear environmental standards the mill must meet. The proponent must satisfy requirements, as an essential precondition of approval for the project. In addition, the proponent will be subject to an EPA licence for operation of the mill under the EPA Act.

Additionally, Schedule 1 contains a list of reserved matters which must be addressed by the proponent and determined by the Governor after appropriate technical advice by statutory bodies and technical agencies. On the recommendation of the Select Committee, amendments were made to Schedule 1 in the other place that require adherence to further conditions associated with emission levels and monitoring requirements. Thus Schedule 1 is akin to the gazette notice associated with approval of a Major Development assessment approval under the Development Act.

It is not intended that the special development assessment procedures established by the measure should continue to be available to the proponent for an indefinite period. For this reason, clause 12 of the Bill provides that—

- once particular works are certified by the Minister as completed, the special authorisation provisions in clauses 4 and 5 will cease to operate in relation to such works (so that any further alterations to them would have to go through the normal processes) and once the project is certified by the Minister as completed, the special authorisation provisions in clauses 4 and 5 cease to be of any effect at all; and
- if the Minister does not certify completion of the project within 3 years (or such other period as may be prescribed by regulation), the entire Act will expire.

The Bill seeks to provide a greater degree of certainty for the proponent, the community and Council in relation to matters associated with the project. For this reason, the Bill includes provisions ensuring a process for approval of necessary road and rail infrastructure upgrades and sets out the water allocation that is to

apply in relation to the licence issued in respect of the pulp mill under the NRM Act. The amount of water guaranteed is equivalent to that which was approved by DWLBC under the original pulp mill application as approved by the Development Assessment Commission. As a safeguard, the Bill provides that, if the project is not completed and the Act expires in accordance with the procedures in clause 12, the water licence granted in respect of the pulp mill will be cancelled and the water allocation will vest in the NRM Minister.

Included in the list of conditions attached to the authorisation is a condition relating to greenhouse emissions associated with the mill.

The imperative to reduce greenhouse emissions is well understood by this Government.

The energy needed for this project is substantial and we wish to ensure it is provided in a greenhouse friendly manner. The Government has committed in this legislation to working closely with the proponent to develop a project that minimises its carbon footprint as much as possible.

This Government does not use special legislation for significant projects in a rash or unconsidered manner. It will not shy away from doing so, however, when it believes the best interests of the State and, in this case, communities of the South East will be furthered. In taking this deliberate and considered approach the Government recognises the great opportunity to the State presented by this development but also takes the appropriate measures to ensure that the myriad considerations that are part of a major development are subject to the appropriate and necessary scrutiny through specific provisions as enshrined within the Bill.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the measure and in particular defines the project the subject of the measure as being the construction of a pulp mill on certain land (the ***project site***) and the carrying out of associated works on and in the vicinity of the project site.

4—Authorisation of certain works

This clause provides for the authorisation of certain works (specified in Schedule 1 Part 1 of the measure) for the purposes of the project. The works are authorised subject to the conditions, reservations and other requirements specified in Schedule 1 Part 2.

5—Application to Governor for other authorisations

This clause provides for the making of other applications for the authorisation of works for the purposes of the project (works not covered by Schedule 1 or variations of Schedule 1). Such applications are lodged with the Minister who then undertakes consultation with the EPA and the Wattle Range Council before submitting a report and recommendations to the Governor. Notice of the Governor's determination on the matter must be given to the applicant and published in the Gazette. The clause also provides for delegations to be made by the Governor and the Minister.

6—Effect of authorisation

This clause provides that the authorisations granted in relation to works under clauses 4 and 5 of the measure have effect as if they were major development authorisations under Part 4 Division 2 of the *Development Act 1993*.

7—Declarations in respect of road and railway works

This clause allows for the making of declarations by the Governor (on the recommendation of the Minister, after consultation as set out in the clause) in relation to road and railway works. If road or railway works are declared to be works that are necessary for the purposes of the project, the declaration will be taken to authorise the works, subject to any conditions specified in the declaration (and no further consents or authorisations are required in respect of the works). Notice of an instrument under the clause must be published in the Gazette.

8—Water allocation

This clause provides that a licence granted under Chapter 7 of the *Natural Resources Management Act 2004* in respect of the pulp mill must have endorsed on it a water allocation of 2 677 500 kilolitres per annum and that allocation can be reduced by the Governor on the recommendation of the Minister.

9—Governor may direct bodies for the purposes of this Act

This clause gives the Governor power to issue directions to prescribed agencies and instrumentalities of the Crown (on the recommendation of the Minister) for any purpose connected with the administration or operation of the measure, the operation of the pulp mill constructed as a result of the project or the cultivation of timber or supply of other materials for use in the pulp mill. Directions may not, however, be issued to the Environment Protection Authority in relation to facilities of the pulp mill once those facilities have commenced operations.

10—Judicial review not available

This clause provides that no proceeding for judicial review or for a declaration, injunction, writ, order or other remedy may be brought to challenge or question decisions, determinations or procedures under the measure or matters incidental or relating to the measure.

11—Immunity provision

This clause provides immunity from liability for persons engaged in the administration of the measure.

12—Expiry of Act or provisions of Act

This clause allows the Minister to certify, by notice in the Gazette, that particular works authorised under this Act have been completed or that the project has been completed and, if such notice is published, clauses 4 and 5 of the measure can no longer be used to authorise the particular works or any works (as the case may be). If, on the expiration of the prescribed period (being 3 years or another period determined by the Governor) no notice has been published certifying completion of the project, the measure will expire and the water licence referred to in clause 8 will be taken to be cancelled.

13—Regulations

This clause provides for the making of regulations for the purposes of the measure.

Schedule 1—Authorised works

This Schedule specifies the works authorised under clause 4 and the conditions, reservations and other requirements to which that authorisation is subject.

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

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) (MISCELLANEOUS) AMENDMENT BILL

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

VICTIMS OF CRIME (COMMISSIONER FOR VICTIMS' RIGHTS) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for Environment and Conservation): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill establishes the position of Commissioner for Victims' Rights. The Commissioner will have a much broader role than the Victims of Crime Co-ordinator and will be able to deal with matters affecting victims in a more comprehensive manner. The Commissioner will, for example, be able to assist victims of crime in their dealings with the Director of Public Prosecutions, Police and other government agencies.

The *Victims of Crime Act 2001* provides for the appointment of both an Advisory Committee and a Victims of Crime Co-ordinator. The Advisory Committee is responsible for advising the Attorney-General on practical initiatives that the Government might take to advance the interests of victims of crime. The Co-ordinator is

primarily responsible for advising the Attorney-General on marshalling available Government resources so that they can be applied for the benefit of victims of crime in the most efficient and effective way.

Providing advice on the marshalling of available resources is a somewhat limited role. There is a need for someone to provide a more comprehensive approach to matters that affect victims of crime. The Bill therefore repeals the position of Victims of Crime Co-ordinator and establishes a new independent Commissioner for Victims' Rights.

In addition to advising the Attorney-General on the marshalling of available government resources, the Commissioner's role will be to:

- assist victims of crime in their dealings with the Director of Public Prosecutions, Police and other government agencies;
- monitor and review the effect of court practices and procedures on victims;
- monitor and review the effect of the law on victims and victims' families;
- carry out other functions related to the objects of the *Victims of Crime Act* assigned by the Attorney-General; and
- carry out the functions assigned to the Commissioner under other Acts.

To assist the Commissioner in the performance of his or her functions, the Bill places a positive obligation (on some people) to consult with the Commissioner for Victims' Rights. In particular, the Director of Public Prosecutions must, if requested to do so by the Commissioner, consult with the Commissioner about the interests of victims. This could include, for example, consultation about victim impact statements and plea bargains.

The Commissioner will also have the power to recommend that a public agency or official apologise to a victim where the Commissioner believes that the agency or official has failed to comply with the Declaration of Principles outlined in Part 2 of the *Victims of Crime Act 2001*.

The Bill makes it clear that the Commissioner is to be independent of general direction or control by the Crown or any Officer or Minister of the Crown. Any directions or guidelines given to the Commissioner about the carrying out of his or her functions must, as soon as practicable after they have given, be published in the Gazette and laid before each House of Parliament. This will help to ensure that the Commissioner is free to make independent recommendations for change that arise from any review of laws and practices.

Some practical considerations for the operation of the Office of the Commissioner are also spelt out. The length of the Commissioner's appointment as well as possible grounds for the termination of the Commissioner are included in the Bill. A power to delegate the powers and functions of the Commissioner is also provided, as is provision for the appointment of an acting Commissioner.

Lastly, the Bill gives the Commissioner standing in proceedings in which the Full Court of the Supreme Court is asked or proposes to establish or review sentencing guidelines.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Victims of Crime Act 2001*

4—Amendment of section 4—Interpretation

This clause makes a consequential amendment.

5—Substitution of heading to Part 3

This clause amends the heading to Part 3 of the Act to reflect the amendments made by this measure, and further inserts a heading to the new Division 1 into Part 3, which is comprised of current section 15 of the Act.

6—Substitution of section 16

This clause deletes current section 16 of the Act and inserts a new Part 3 Division 2 comprising the following proposed sections:

Division 2—Commissioner for Victims' Rights

16—Commissioner for Victims' Rights

This clause establishes a Commissioner for Victim's Rights, appointed by the Governor. The person appointed must not be a member of the Public Service.

The functions of the Commissioner are set out in subsection (3), and the Commissioner holds an ex officio position on the Victims of crime advisory committee.

The clause sets out procedural matters in relation to the appointment of the Commissioner.

16A—Powers of the Commissioner

This proposed section sets out the powers of the Commissioner. In particular, the Commissioner can require a public agency or official to consult with the Commissioner regarding steps that may be taken by the agency or official to further the interests of victims, and, after such consultation, may, in the circumstances set out, recommend that the agency or official issue a written apology to the relevant victim. In exercising his or her powers in relation to a particular victim, the Commissioner is required to have regard to the wishes of the person.

16B—Appointment of acting Commissioner

This proposed section provides for the appointment of an acting Commissioner in the circumstances set out.

16C—Staff

This clause enables the Commissioner to have such staff (being Public Service employees) as is necessary for the effective performance of his or her functions.

16D—Delegation

The Commissioner may delegate a function or power under the Act.

16E—Independence of Commissioner

This clause provides that the Commissioner is entirely independent of direction or control by the Crown or any Minister or officer of the Crown, although the Attorney-General may, after consultation with the Commissioner, give directions and furnish guidelines to the Commissioner in relation to the carrying out of his or her functions.

16F—Annual report

This is a standard provision requiring an annual report on the operations of the Commissioner.

7—Amendment of section 30—Victims of Crime Fund

This clause makes a consequential amendment.

8—Amendment of section 31—Payments from Fund

This clause inserts new subclause (a1) into section 31 of the Act. The proposed subclause requires the payments made by the Attorney-General under this Act, the salary of the Commissioner and the salaries of other staff of the Commissioner (if those staff are designated by the Attorney-General as being staff to whom the provision applies) must be paid out of the Victims of Crime Fund.

Schedule 1—Related amendments to *Criminal Law (Sentencing) Act 1988*

1—Amendment of section 29B—Power to establish (or review) sentencing guidelines

This clause makes a consequential related amendment.

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

ADJOURNMENT

At 6.21 p.m. the council adjourned until Thursday 13 September at 2.15 p.m.