LEGISLATIVE COUNCIL

Wednesday 29 October 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:18): I bring up the sixth report of the committee for 2008.

Report received.

PAPERS

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Reports, 2007-08—
Director of Public Prosecutions
Guardianship Board
Office of the Public Advocate
River Murray Act 2003

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

HomeStart Finance—Report, 2007-08

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Reports, 2007-08—
Administration of the State Records Act 1997
Upper South East Dryland Salinity and Flood Management Act 2002

QUESTION TIME

FORMER MEMBER FOR HAMMOND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, as the Leader of the Government, a question about the agreement with the former member for Hammond on becoming Speaker of the House of Assembly in 2003.

Leave granted.

The Hon. D.W. RIDGWAY: Members will all recall that the Labor Party formed government in this state after doing a deal with the then member for Hammond.

The Hon. Carmel Zollo interjecting:

The Hon. D.W. RIDGWAY: I know it is out of order to respond to an interjection, but the minister opposite interjects that it was the same when we signed. Well, it is our word against yours. The South Australian community knows that you have not told the truth in most of the things that you have done. We know that it was not the same agreement.

Members interjecting:

The PRESIDENT: Order! The honourable member will refrain from getting off his question and responding to interjections.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President. Incidentally, if the minister is talking about documents, I would like to see the documents in relation to the structural engineer's discussion paper tabled which he promised a couple of weeks ago. We have yet to see that. Again, he promises but never delivers. In relation to the agreement with the former member for Hammond, there were a number of components to it. Of course, will all know it was a love/hate relationship that developed between the government and the former member for Hammond.

The Hon. B.V. Finnigan: No, it was a hate/hate relationship.

The Hon. D.W. RIDGWAY: The Hon. Bernard Finnigan talks about a hate/hate relationship. I guess there is still one of those going on with some members of the Labor Party internally at present.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: I am sorry, Mr President, I could not help myself with that interjection. So there was agreement for the eradication of broomrape (which, of course, this government has failed to do); a constitutional convention (which I think took a lot of money and a lot of effort and delivered very little); and, of course, the former member for Hammond wanted to build a weir or a lock at Wellington (and we are still seeing the government playing with that particular idea). But, in particular, I am concerned about the relationship between the government and the former member for Hammond. My question to the minister is: is the minister aware of any instances where any government department may have given the former member for Hammond preferential treatment; and, in particular, in relation to mineral exploration licences?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:23): I do not know where the honourable member is coming from. There was a story in *The Advertiser* some weeks ago relating to a legal case that is now taking place involving a former employee of Mr Lewis, but unfortunately that matter is still before the courts. I would love to be able to tell the full story on it. I am sure that one day I will, because I think that the full story will surprise members opposite. It will certainly blow up in their faces if they think that there was any sort of impropriety or preferential treatment shown to Mr Lewis. In fact, it will show the reverse but, nevertheless, I am restrained from commenting on that particular case in relation to—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I know you haven't, because that is the way you operate. Of course you wouldn't ask a straight question and come out and say it; of course you wouldn't come out and say it, but I was waiting for the question. I have no doubt that that is what the Leader of the Opposition was referring to but, in relation to other agencies giving favourable treatment, I am not aware of anything. If the leader wishes to come up with any examples, let him do so but if, as I suspect, he is trying to create some mischief in relation to the matters that are currently the subject of a court case, then unfortunately we will all have to wait until that matter is resolved. However, I will be only too pleased when that information can be released.

FORMER MEMBER FOR HAMMOND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I have a supplementary question. Did the minister, at the end of 2004, direct PIRSA staff to treat him 'like any other explorer'?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:25): Is the honourable member asking whether I instructed—

The Hon. D.W. Ridgway: PIRSA staff to treat the former member for Hammond like any other explorer?

The Hon. P. HOLLOWAY: That is the instruction I have had from day one, that is, that any member of parliament should be treated no differently from any member of the public—and I am happy to own up to that.

FORMER MEMBER FOR HAMMOND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I have a further supplementary question. Did the minister direct PIRSA staff after the former member for Hammond ceased to be the Speaker?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:26): Not at all, to my recollection. Any instruction I would have given is that, in all cases, individuals should be treated on their merits. Unlike members opposite, including the Hon. Rob Lucas, for example, who lives his whole life trying to get vengeance on the now Leader of the Opposition in another place for being dumped from the leadership, I do not live my life worrying about getting vengeance.

The Hon. D.W. RIDGWAY: On a point of order, Mr President, I fail to see what the Hon. Rob Lucas has to do with this question.

The PRESIDENT: The minister is—

The Hon. D.W. RIDGWAY: The Hon. Rob Lucas has nothing to do with this question.

Members interjecting:

The PRESIDENT: Order! The minister might have been going to say that the Hon. Rob Lucas has some mining interests as well; I do not know.

GAMBLERS REHABILITATION FUND

The Hon. J.M.A. LENSINK (14:27): Can the Minister for Gambling advise the council of the status of the grants to NGOs through the Gamblers Rehabilitation Fund, and has she received any representations about the fact that the Treasury component of the fund has not been increased in the past four years?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:27): I thank the honourable member for her important questions.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. CARMEL ZOLLO: Thank you, Mr President. As honourable members would know, the Gamblers Rehabilitation Fund was established in 1994 to fund services, provide support and rehabilitate people affected by problem gambling. As one would expect, both the government and the gambling industry contribute to the fund. I think the office of the Minister for Gambling was established by those opposite. In fact, I think we have the first minister for gambling in this chamber. The Hon. Robert Brokenshire held that office when he was a member of the Liberal Party.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: If they want to interject, it is their question time. The point I am making is that the Department for Families and Communities manages that fund. So, I will refer any request for information I am unable to provide to the Minister for Families and Communities in another place. Clearly, there is good logic in having that separation between myself as the Minister for Gambling and the Minister for Families and Communities.

It is a free and confidential gambling help service, and it provides gambling and financial counselling, group support and intensive treatment. The Gambling Helpline is a free 24 hour/seven days a week information and crisis helpline. The government contribution is currently set at $3.845 million per annum, and the industry contribution is currently set at $1.61 million per annum. I understand there is an intention to increase funding, and the new codes of practice, which will require a stronger relationship between gambling help services, clubs and hotels, will be implemented in early December.

As I have said, I will bring back a response on any information that I have not been able to provide today, and I will also confer with the minister in the other place.

PORT AUGUSTA PRISON

The Hon. S.G. WADE (14:30): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question relating to the Port Augusta indigenous unit.

Leave granted.

The Hon. S.G. WADE: Yesterday, in answer to a question on the same topic, the minister advised that consultations took place with traditional Aboriginal male prisoners at the Port Augusta Prison in relation to the Port Augusta indigenous unit. The minister referred to meetings with Aboriginal prisoners held every six months, at different prisons, to talk with Aboriginal prisoners about their concerns. I presume that the minister is referring to the PADIC (Prevention of Aboriginal Deaths in Custody) forum, which involves both Aboriginal prisoners and Aboriginal stakeholders. In

response to my supplementary question, the minister implied that the forum had discussed the new indigenous unit.

A PADIC forum was last held at Port Augusta Prison on 22 May 2008. The minutes for that forum show that the department did not even raise the subject of the new Port Augusta indigenous unit at the forum. However, the prisoners did take the opportunity to raise issues, including funeral leave, and they also warned of impending trouble. Item 4.13, entitled 'Tensions in Bluebush', states:

> A prisoner raised concerns regarding the level of tension in the Bluebush Unit. Prisoner claims this is due in part to the inappropriate manner in which prisoners are being spoken to, and that there is real concern that this matter will come to a head.

That was in May 2008. By October 2008, Bluebush Unit was engulfed in a riot. My questions are:

1. Given that the minister highlighted the role of the PADIC forum as a vehicle for Aboriginal consultation, can she explain why the forum was not consulted about the new indigenous unit?

2. Given that tensions in Bluebush Unit were raised with the department five months ago, what did the department do to reduce tensions and avoid the ensuing riot?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:31): I thank the honourable member for his continuing questions in relation to the Aboriginal unit being constructed at Port Augusta for traditional Aboriginal men. I have already placed on record on a number of occasions (and particularly yesterday) an extensive list of consultations that occurred—and I am happy to go through them again—during the development of the design.

My advice is that this could go back not just this past year but, indeed, last year as well—back to 2007. I am told that, during the development of the design, consultation took place with the department's Aboriginal Services Unit, traditional Aboriginal male prisoners at the Port Augusta Prison (some of whom would be likely to occupy the premises), senior Aboriginal staff at the Port Augusta Prison, the Port Augusta Prison management team, staff from the department's Asset Services Branch, and the department's Director, Finance and Asset Services. I am also told that consultation was conducted in a culturally appropriate manner.

The honourable member clearly has some information from a meeting back in May, which I assume is not one of the meetings that I referred to, but may well be from the forum that was conducted every six weeks and chaired by the Chief Executive of the department or one of his delegates. Clearly, I do not have access to those minutes and the member must have some information supposedly leaked to him.

What I have already placed on the record demonstrates that the department has consulted widely and, more importantly, that what came out of that consultation indicated that the most important things to the Aboriginal prisoners included being able to see the Flinders Ranges and having a large veranda facing the Flinders Ranges and the outdoor areas. My advice is that they have been included in the construction of this unit. On top of that I also, again, outlined the number of Aboriginal staff we have within the department and the Aboriginal liaison officers who also support the department and the prisoners themselves.

In relation to what has happened at Port Augusta and why, again, I have placed on the record that there is a police inquiry being conducted, and all the prisoners involved in the riot are being interviewed. Those interviews will also be made available to the department for the investigation that it is undertaking. I have already placed on record that a senior investigation officer from SAPOL will also be provided to the department. Both inquiries have already commenced. I have also undertaken to bring back to the chamber the findings of the inquiry. If some systemic changes need to be made then, of course, they will be made.

Some construction has taken place at the Bluebush unit at Port Augusta, including an upgrade of the airconditioning system, the introduction of some double bunks, as well as the construction of a lift, from memory. So, there has been disruption but, when new construction is occurring, we try as much as possible to keep that disruption to a minimum. When prisoners are required to stay in the exercise yard—I understand that a session on the oval was cancelled on that day—clearly, they are going to be upset. However, as I have said before in this chamber, I will always put the interests and safety of our correctional services officers above the needs of the prisoners at any particular time.

PORT ADELAIDE REDEVELOPMENT

The Hon. I.K. HUNTER (14:35): Will the Minister for Urban Development and Planning provide an update on steps this government is taking to entrench Port Adelaide and LeFevre Peninsula as a key strategic industrial precinct for our state?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:36): The government has a long-term strategic vision for Port Adelaide, and that vision is apparent—

The Hon. B.V. Finnigan: Does it include rusty sheds?

The Hon. P. HOLLOWAY: No, it does not; that is in the opposition's vision. Our vision is apparent in the millions of dollars of investment already made in Port Adelaide, including:

- the Port River Expressway bridges;
- the Marina Adelaide marine industrial precinct at Largs North;
- LeFevre Peninsula rail freight corridor upgrades;
- the deep sea grain wharf, a grain terminal and the deepened Outer Harbor shipping channel;
- Techport Australia—maritime defence precinct;
- the Port Waterfront Redevelopment project (minus the rusty sheds); and
- electrification of the Outer Harbor rail line and extension of a light rail service to Semaphore.

This government is not shortsighted when it comes to developing policies that provide long-term benefits to this state by underpinning that with a solid economy. Long-term vision requires elaborate planning. That is why I authorised the publication this month of an updated development plan for northern LeFevre Peninsula. This proposed rezoning will help drive Port Adelaide's continued transformation into one of South Australia's key industrial and job-generating precincts.

The northern LeFevre Peninsula, which encompasses Outer Harbor, has been identified by this government as one of three key areas for industry in this state due to its already significant export role and its proximity to rail, road and port facilities.

The rezoning proposed by the ministerial development plan amendment will assist in the coordinated development and strategic release of land for port and industrial activities, and to create a well-planned and integrated industrial precinct to support defence and export-related industries. This rezoning will also provide an important framework for providing the necessary infrastructure to support industry while also ensuring that adequate open space is set aside for the benefit of the local community and the environment.

The publication almost two weeks ago of the draft development plan amendment kicks off an eight-week consultation process overseen by the Development Policy Advisory Committee (DPAC). This consultation process culminates in a public meeting to be held on the peninsula. The proposed ministerial development plan amendment already follows extensive community and industry consultation by Defence SA as part of the master planning for the northern part of LeFevre Peninsula. This government, as part of the planning process, wants to ensure that the public has sufficient opportunities to have their views heard.

Although the planning process is thorough, there is always the chance that there is an issue that we have overlooked and therefore it is important to have a process that provides for community input. Public submissions will be received until 27 November 2008, with a public meeting held at the LeFevre Community Centre, 541 Victoria Road, Osborne, at 7pm on Thursday 18 December 2008. Copies of the ministerial development plan amendment are available at Planning SA and also online on the Planning SA website.

I urge interested members of the public, community and industry groups to obtain a copy of the draft and provide their views to DPAC. Of course, there will be those who are opposed to any development, whether it is Port Adelaide or 'Port Anywhere'. There are those who want to hold back the economic growth of this state, but this government believes that it is important to establish a framework that identifies the job-generating employment plans required by business and the supporting infrastructure necessary to support the industry concerned. That is because this

government is committed to raising living standards and providing a sustainable and prosperous future for South Australians.

DRUGS, DETOXIFICATION

The Hon. A. BRESSINGTON (14:40): I seek leave to make a brief explanation before asking the minister representing the Minister for Health and the Minister for Mental Health and Substance Abuse a question about heroin detoxification.

Leave granted.

The Hon. A. BRESSINGTON: On the weekend I was contacted by the mother of an opiate-addicted person who has now been clean for five years; she was stabilised on methadone, and has gradually reduced her dose down to a very low one. This person has managed to get her life together, has got back control of her children from Families SA, and has been volunteering for the past three years. This is after 20 years of chronic heroin addiction; she was formerly a prostitute and basically led a dysfunctional life.

The mother complained to me about a method of detoxification being used by a doctor at Noarlunga, Dr Rhys Henning, who at one stage was a member of the board of DASSA. Apparently, the doctor is using ketamine to detox heroin and methadone addicts and is releasing these people from hospital with no support. He provides a phone number that they can ring if things go pear-shaped, but it costs $1 per minute. This is the only level of support in place for the people going through this treatment. My questions to both ministers are:

1. Has this method of detoxification been undertaken as a trial through DASSA, and is the government conducting any form of monitoring of this particular procedure?

2. Has the government been made aware of any adverse effects on opiate-dependent persons who have gone through this procedure?

3. Will the Minister for Health and the Minister for Mental Health and Substance Abuse undertake to have this detoxification investigated and report the findings back to this parliament?

I might add that the addict that I am talking about has now tail-spun; she is using again and is out on the street prostituting herself again after five years out of that lifestyle.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:43): I thank the honourable member for her important questions. I am happy to refer those questions to the relevant ministers in another place and bring back a reply in relation to her concerns about ketamine detox treatment and that particular client.

PRISONS, ACCOMMODATION

The Hon. R.D. LAWSON (14:44): I seek leave to make a brief explanation before asking—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lawson has the floor. The Hon. Mr Lucas is well down the list today.

The Hon. R.D. LAWSON: —the Minister for Correctional Services a question about prison accommodation.

Leave granted.

The Hon. R.D. LAWSON: The latest figures released by the Department for Correctional Services indicate that approximately one-third of the prisoners in our gaols are awaiting sentence and are therefore termed 'remandee prisoners' and that that figure has been rising steadily over recent years. The same figures reveal that the average expected time to serve in prisons, for sentenced prisoners, was 74.1 months as at 30 June last year. In spite of the government's rhetoric, this was a reduction of about two months from the 76 month average expected time to serve over the previous year. Over the Past 10 years the number of months has been steadily increasing. My questions are:

1. What is the minister's explanation for the reduction in the length of the expected time to serve for sentenced prisoners within our gaols?

2. What are the forward projections over the next three years for the average expected time to serve? Has this factor been included in the projections presented to those preparing the bids for the PPP for the Mobilong Prison?

3. Given that the Adelaide Remand Centre is our only purpose-built facility for remandees and is already overcrowded, are special accommodation arrangements being planned within the new Mobilong Prison to accommodate remandee prisoners and, if so, what number of beds is to be devoted to that purpose?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:46): I thank the honourable member for his important question. South Australia is certainly not an orphan in relation to remandee numbers. All of Australia, I think, is facing the same situation. I should not have to tell someone like the Hon. Robert Lawson how the courts decide to deal with people, whether to put them on remand or whether to give them intensive bail supervision—and we are the only state in Australia that actually does that—or whether to even give them bail. It is not something that the Department for Correctional Services can influence.

Yes, we do have a lot of remandees in the state, like every other state of Australia, and we have remandees not just at the Adelaide Remand Centre but also at Yatala and some at Port Augusta. Clearly, we have a duty to ensure that prisoners are accommodated in a safe, secure and humane way, and we certainly undertake to do that. Again, I cannot speak for the judiciary in the way that they sentence people—indeed, for the length of time they sentence people.

When the new prison complex is open at Mobilong—and I have had some discussion in relation to the Adelaide Remand Centre—it will certainly be the intention to use it almost like a transition centre, so they are the plans we have for the future. As I said, at this time, we have a duty to ensure that people are accommodated in a safe and secure manner. We have a strategy in place. We have provided $35 million for the next three to four years to ensure that we have sufficient bed capacity in our state. I have already placed on record on a number of occasions now that we will see nearly 100 beds just before Christmas and, yes, most of them will be double-up. We have been quite open and honest about that. Also, it includes those 12 beds at Port Augusta for the traditional Aboriginal men. Clearly, projections are undertaken to ensure that we have sufficient bed capacity, and the $35 million in the last budget was in consideration of that.

DRUGS, DETOXIFICATION

The Hon. R.D. LAWSON (14:48): I have a supplementary question. Given that the minister did not answer the question regarding the projections for the average expected time to sentence prisoners, will she provide that information to the council?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:48): I can undertake to do that. I do not have that statistic with me at this moment but we can undertake to do that.

CLUBS SA

The Hon. R.P. WORTLEY (14:49): I seek leave to make a brief explanation before asking the Minister for Gambling a question about not-for-profit licensed clubs.

Leave granted.

The Hon. R.P. WORTLEY: Many members would have an ongoing connection with a club, perhaps with a community sporting club. Can the minister provide any details about how their contribution to the industry and the community is recognised?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:49): I thank the honourable member for his important question. On Saturday evening, 25 October, I was pleased to attend the Clubs SA 23rd Annual Awards of Excellence function at West Lakes. A number of members opposite were also in attendance, including the Hon. Michelle Lensink and her fiance, and the Hon. Terry Stephens and his good wife. I would like to place on record—

The Hon. T.J. Stephens interjecting:

The Hon. CARMEL ZOLLO: I had forgotten about him. I would like to place on record our collective thanks to the Clubs SA board, particularly Mr Cameron Taylor, the President, for the kind invitation to attend the evening.

Clubs SA has a long history in this state. It was founded in 1919 and represents and supports the licensed clubs in our state. It also supports and promotes sport and community events across the club sector. I have forgotten to mention that Dr Duncan McFetridge from the other place was also there that evening. He would get upset if I did not mention him.

I suspect that all of us have a connection with a club through community, social, sporting or ethnic interests. They are created by the community for the community and provide well established social, sports and, of course, recreational venues. They are in a unique position to be able to develop and maintain social interaction at all ages, from children to retirees.

The 2008 Awards of Excellence is an opportunity to recognise both clubs and individuals in 13 categories, including the Community Service Award, the Best Dining Facility Award, the Encouragement of Sport Award, Young Achiever and Club of the Year. The Para Hills Community Club won a number of the awards on the evening, including the Community Service Award, the Spirit of the Club Movement Award, the Natural Gas Award for Energy Efficiency, the Best Gaming Machine Venue Award and the Club of the Year Metro Award. The Clubhouse at Tanunda won the Regional Club of the Year Award, and the Encouragement of Sport Award was presented to the Marion Sports and Community Club.

Needless to say, as Minister for Gambling, I am pleased that our clubs with gaming machines take part in Club Safe, the club sector responsible gambling program. All clubs with gaming are able to access Club Safe, regardless of their membership status with Clubs SA. Club Safe staff work with venues, staff, management, counselling services and customers.

Club Safe aims to assist venues concerning compliance with the codes of practice through undertaking voluntary audits of venues. It assists venues with the identification and provision of support for problem gamblers. It facilitates programs, initiatives and policies to promote access by patrons to gambling help services, and it facilitates communication between venues and gambling help services.

I would ask members to join me in congratulating the award winners from the Clubs SA Annual Awards for Excellence, and in acknowledging the contribution of volunteers in clubs. The club industry relies heavily on the support of volunteers in a number of roles. While the club sector could not function without the support of these volunteers, I know that in turn many volunteers gain a great deal of satisfaction from their contribution to their respective club and community, and the sense of belonging that this provides.

WHYALLA DUST EXCEEDENCES

The Hon. SANDRA KANCK (14:53): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Health, a question about Whyalla PM10 dust exceedences.

Leave granted.

The Hon. SANDRA KANCK: In 2005, the state government amended the Whyalla Steelworks Indenture Act to ensure that the EPA standards for dust exceedences from the OneSteel Whyalla Steelworks could be sidestepped by that industry. We were assured by the government that once Project Magnet came online the dust problem would be resolved. Project Magnet is now up and operating, but PM10 dust exceedences continue. The dust is now black, rather than red, but it is (I have to say) in reduced amounts compared to what the red dust used to be.

The public is being reassured that a new beast called a community dust target has shown only three exceedences this year. This is a contrivance arrived at by subtracting the background of naturally occurring PM10 particles from the total dust load recorded. I am not sure who determines what the naturally occurring reading is. Comparing apples with apples, using the unadulterated figures, there were 12 exceedences up to this time last year, compared to 14 (and it may be 15) for the same period this year. Remember, these are pre and post Magnet figures.

The EPA's CCTV monitors were removed from the OneSteel boundary fence on 16 October. In the past six to eight weeks Whyalla City Council has been responsible for dust

creation with its new industrial park. Two of the past three community dust target exceedences have been exacerbated by this activity. Three years ago the current health minister, speaking then as the environment and conservation minister, said, in relation to alleviating pollution in Adelaide:

> Particulate pollution has been linked to a number of health problems and PM10, very fine matter in the air which is inhaled, is now considered one of the worst kinds of air pollutants. Elevated levels of PM10 have been linked to respiratory diseases, including bronchitis, pneumonia and emphysema and, alarmingly, there is also a link to cancer.

My questions to the minister are:

1. Does it still remain his view that PM10 dust particles have negative health consequences?

2. Did the minister or his department provide any input into the science of the community dust target? If so, will the minister provide a copy of that advice?

3. Is he aware that, without any manipulation of figures, there has been no reduction in the number of PM10 exceedences thus far in 2008?

4. Does the minister receive regular reports about particulate pollution in Whyalla, and was the minister or his department consulted over the recent removal of CCTV monitors?

5. Does the minister plan to advise Whyalla residents that their health status is still at risk from PM10 exceedences, regardless of the source of the dust?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:57): I thank the honourable member for her questions. In my former role as minister for environment I was aware that OneSteel had invested tens of millions of dollars in trying to address the dust issues at Whyalla and in and around that industrial site and developed a wide number of strategies to try to improve that situation. I am happy to refer that series of questions to the health minister in another place and bring back a response.

MURRAY RIVER FERRIES

The Hon. J.S.L. DAWKINS (14:57): I seek leave to make a brief explanation before asking the minister assisting the Minister for Transport a question about River Murray ferries.

Leave granted.

The Hon. J.S.L. DAWKINS: Members would be aware that I previously highlighted the access limitations for residents of the area below Lock 1 as a result of the failure of the government to spend a relatively small amount of money to ensure that the ferries in that area can carry heavier transport vehicles. I was therefore interested to read an article in *The Advertiser* late last month which stated:

> Ramps on a River Murray ferry have been extended by seven metres in a pilot project to keep ferries operating in low river levels. The Swan Reach ferry is now fitted with 9m-long ramps at either end, which allow it to sit in deeper water while vehicles board and alight. It means vehicles weighing more than 12 tonnes, such as semi-trailers, can cross the river on the ferry instead of driving a further 30 kilometres to a bridge at Blanchetown. If the $250,000 Swan Reach project is successful, extended ramps could be installed on other ferries which have weight restrictions, depending on the type and location. Department for Transport, Energy and Infrastructure eastern region manager, Jon Whelan, said the prototype would be monitored over coming months. 'It's no different to a gang plank in crude terms', he said. The water level at Swan Reach is now 0.1 metre below sea level and has fallen about 0.2 metres in the past year. Weight restrictions are still in place on ferries at Walker Flat, Purnong, Tailem Bend and Narrung. The upstream ferry at Mannum is closed.

My questions to the minister are:

1. Given the urgency of restoring heavy vehicle ferry services at the locations mentioned, and particularly getting the second ferry at Mannum reopened, why is it necessary to monitor the Swan Reach extension for a period of months?

2. Will the minister assure the council that extended ramps will be rolled out to the other locations immediately after the Swan Reach pilot is deemed successful, if that is the case?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:00): I thank the

honourable member for his important questions on River Murray ferries and will refer those questions to the relevant minister in another place and bring back a response.

WHITE RIBBON DAY

The Hon. J.M. GAZZOLA (15:00): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question on White Ribbon Day.

Leave granted.

The Hon. J.M. GAZZOLA: White Ribbon Day, held on 25 November each year, is the United Nations' day for the elimination of violence against women. Across the world people—but particularly men—wear white ribbons on this day to show their commitment to ending violence against women. A number of men across Australia have illustrated this commitment by agreeing to be White Ribbon Day ambassadors. Will the minister tell the council about South Australia's increasing number of White Ribbon Day ambassadors in 2008?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:00): I thank the honourable member for his support in this important policy initiative. As the member noted, White Ribbon Day is the United Nations' international day for the elimination of violence against women and it falls on 25 November each year. Men are encouraged to show their support for this cause by wearing a white ribbon as a visible sign that the wearer does not support or condone the use of violence against women.

A White Ribbon Day ambassador function was held yesterday evening. I co-hosted this event with Channel 7 personality and White Ribbon Foundation Chair, Andrew O'Keefe (from the famous *Deal or No Deal* TV program). Highly respected and prominent men from across South Australia were invited to the function to learn more about the White Ribbon Day campaign and what is involved in becoming a White Ribbon Day ambassador for South Australia.

White Ribbon Day ambassadors use their profile in the community to encourage other men to participate in the global movement to eliminate violence against women. They provide strong, positive role models to men (and particularly young men), and use their influence to speak out against violence against women, and to promote a very clear message that any form of violence against women is completely unacceptable.

Given the important role that ambassadors play, I am pleased to announce that, as a result of last night's event, I expect that we will increase the number of South Australian ambassadors from 14 to over 70. I also make special mention of our Premier, who agreed last night to become an ambassador. I am also pleased to advise that there are a number of members in this place who came along and supported the event and who have signed up to become, or have indicated a commitment to become, ambassadors, including the Hon. John Gazzola, the Hon. Ian Hunter, the Hon. Stephen Wade and the Hon. Mark Parnell. I also acknowledge that the Hon. Michelle Lensink also came along and supported the evening's events. I appreciate their support and their commitment to becoming ambassadors.

Some of the current South Australian ambassadors include the former captain of the Adelaide Crows, Mark Bickley; the Attorney-General, Michael Atkinson; and the federal member for Hindmarsh, Steve Georganas. I am pleased to also note that the Prime Minister, Kevin Rudd, is also demonstrating his strong commitment to preventing violence against women as a White Ribbon Day ambassador.

The 2008 campaign slogan is 'Not Violent, Not Silent'. The Office for Women will be working with the White Ribbon Foundation to coordinate the South Australian White Ribbon Day campaign and events. The campaign continues to become stronger every year as more men take a stand against violence against women and help create positive role models for other men in the community.

Some of the really startling statistics show that one in three women experience violence in their lifetime: 31 per cent of women assaulted in the past 12 months were assaulted by an intimate partner; and 60 per cent of Australian women murdered are killed by an intimate partner. Violence against women is calculated to cost Australia around $8.1 billion a year, which is quite staggering. This is simply unacceptable and, no matter which form violence takes, it should not be tolerated.

This is not just a women's issue; it is as much about our sons as it is about our daughters. I place on the record how pleased I am that last night so many men were willing to commit to becoming ambassadors. These men come from a variety of professional backgrounds, from fields such as the media, sport, politics, religion, business and unions—a wide cross-section of people. They all agreed that violence against women is unacceptable, and I thank them for their willingness to participate in such an important initiative.

FOSSIL FUEL RESERVES

The Hon. D.G.E. HOOD (15:06): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about South Australia's fossil fuel reserves.

Leave granted.

The Hon. D.G.E. HOOD: My office and the parliamentary library recently spent approximately half a day trying to track down good data on South Australia's fossil fuel reserves and the sale contracts that currently exist for such reserves. There is no public register, but we understand that the state of play is very close to the following: that is, approximately 350 mega-tonnes of coal readily remaining (predominantly at Leigh Creek) which equates to some 100 years of production remaining. So, there are plenty of resources there.

Secondly, only about 9,490 megalitres (or approximately eight years' supply) of crude oil remains in the South Australian side of the Cooper Basin. Thirdly, some 2,550 megalitres (or approximately 11 year's supply) of condensate remains at the same location. Fourthly, some 4,300 megalitres (or only about eight year's supply) of LPG remains. We are selling off these final reserves at a rapid rate. I have also been advised that South Australia sold some $250 million worth of its petroleum last year, along with $76 million worth of LPG. My questions are:

1. Are these figures approximately correct (and I understand the minister may need to take this question on notice) and, if so, is the minister concerned that South Australia may very well be a state with very limited supplies of fossil fuel remaining in a short number of years (eight years in some cases)?

2. If so, what contingencies has the government put in place for that eventuality? What will be the economic impact and implications for the state if this is correct?

3. Given the strategic nature of our fossil fuels, will the government commit to setting up a public register of our known reserves and production data in order to provide transparency in relation to our reserves as they stand?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:08): This state is blessed with huge quantities of coal resources, but a lot of those resources have not necessarily been proved up and may not be, if one is looking at the JORC standards (the standards used in proving resources). For example, I know there are potentially billions of tonnes of coal in the Arckaringa Basin, which is somewhere north of Coober Pedy. There are also a number of other sites around the state where there are significant coal resources; for example, in the Mid North, near Lochiel, Balaclava and Sedan. There are also coal resources at Kingston, where companies are currently looking at how those resources might be exploited, and there is another coal resource near Lake Phillipson, which is south-west of Coober Pedy. I think there are also significant coal resources over at Lock, on Eyre Peninsula.

So, this state has significant resources. Of course, what future role coal might play in a carbon-challenged world remains to be seen. There are, in fact, potentially massive coal resources in this state, but they are generally located in remote locations and their quality can vary. The figures one sees for crude oil and other fossil fuels really apply to those fields that are currently producing. Naturally enough, producers in those fields really drill only enough to establish reserves sufficient to meet their production requirements for the period ahead. There is not much point in drilling and opening up new fields if you are not going to develop them for 10 or 20 years; it is simply not a viable proposition.

However, although I expect that significant exploration for petroleum fuels will continue with some success in the Cooper Basin, as I have indicated in answer to a number of questions over the past year or so, we have great hopes for exploration now being undertaken in the Officer Basin. This is the area west of Coober Pedy and the Stuart Highway, between Coober Pedy and Glendambo. It is probably one of the last great unexplored onshore basins in the country.

Also, of course, the government has been releasing petroleum blocks in our part of the Otway Basin which is a significant gas producer in the south of Victoria. Our part of the Otway Basin holds potential, as indeed do areas of the Great Australian Bight, which, of course, is a fairly hostile environment but does have the potential for crude oil discoveries.

One of the things that has changed the hydrocarbon map in this country in recent years has been the discovery of coal seam methane which is associated with coal. That has added significantly to gas supplies, particularly in Queensland, and there is some opportunity for such discoveries to be made in the Arckaringa and Officer basins within this state.

I will see what information can be provided to the honourable member but, if he is looking for figures such as Leigh Creek, which is 350 megatonnes, as he mentioned, I think it would be a relatively minor amount compared to some of the coal reserves potentially held in other basins. Of course, Leigh Creek is a producing field and that is why those reserves would be well and truly JORC compliant.

If there is any other information that I can obtain for the honourable member I am happy to do so. I will conclude with the point that I think this state is very fortunate in its energy resources. Although the Cooper Basin, which has been producing for some 40 years, is on the decline as a basin, nevertheless, this state, potentially, not only has enormous coal reserves that can be explored at some stage in the future but also, of course, we have developed significant renewable energy such as 50 per cent or so of the country's wind power, significant points of solar power and also geothermal. We have, potentially, some of the best hot rocks that are closer to the surface than anywhere in the world and, therefore, the geothermal potential is enormous. I will see what information I can supply to the honourable member in relation to some of the estimated hydrocarbon reserves that we have in this state, which are significant.

ROCK LOBSTER (NORTHERN ZONE) FISHERY

The Hon. C.V. SCHAEFER (15:13): I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question on the rock lobster (northern zone) fishery.

Leave granted.

The Hon. C.V. SCHAEFER: Members will be aware that the rock lobster fishery is a regulated fishery in two zones: the southern zone and the northern zone. The minister, on an annual basis, announces a total allowable catch—that is, a total allowable tonnage of lobster allowed to be caught—and the season in which that is able to be caught.

The most recent amendments to the Fisheries Act have established a certain amount of property rights to go with lobster licences which allow lobster fishermen to share-farm out part of their quota or lease their quota to another licensed fisher. This requires a certain amount of planning, as it does in any other industry. My question is: why has the Minister for Fisheries not announced the necessary adjustments to rock lobster licences in the northern zone this year, two days prior to the beginning of the season?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:14): I thank the honourable member for her question in relation to the northern rock lobster zone. I will refer her question to the Minister for Agriculture, Food and Fisheries in another place and bring back a response.

SERVICE SA

The Hon. B.V. FINNIGAN (15:15): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question regarding Service SA.

Leave granted.

The Hon. B.V. FINNIGAN: Members will be aware that more and more families have both parents working full time during business hours. Therefore, people often have less time to access government services than they once did. Will the minister advise what the government is doing to create more accessible services?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:15): People

across the state are getting improved service from the state government's front-line customer centre, Service SA, following the introduction of clever new 'virtual call-centre technology'. Service SA is about to provide a further boost to regional employment with the recruitment of additional staff for its regional customer service locations.

A division of the Department for Transport, Energy and Infrastructure, Service SA is the single entry point to a wide range of government services through phone, face-to-face and online customer services. The virtual call centre technology is already showing reduced waiting times for people using its services. The technology enables call centre operators to work from any location across the state where there is telephone, computer and internet access.

Service SA staff respond to around 3,500 calls each day on registration and licensing inquiries and, since the introduction of virtual call centre technology, we have seen marked improvements, such as:

- the average time taken for callers to progress through the queue has been reduced from more than five minutes (in early 2008) to less than two minutes;
- 2,000 more calls are being answered per week—14,000 calls, up from 12,000;
- a greater capacity to handle more calls at any given time; and
- a new automatic call-back facility enabling customers to receive a call back rather than waiting in the queue.

It is the first time this technology has been used within the South Australian government, and one of the first in the state, making Service SA a local leader in call centre innovation. The initiative also creates the potential for additional employment opportunities for regional communities where high-tech call centres are a rarity. Service SA is now recruiting additional staff through its regional customer service centre locations, which currently takes about 14 per cent of the total call volume.

Virtual call centre technology has been implemented in Service SA regional centres at Port Lincoln, Murray Bridge and Berri, and it is anticipated that additional virtual call centres will be rolled out in the Gawler, Whyalla and Naracoorte customer service centres in the future.

Service SA has recently implemented other significant improvements for customers to access government services and information. In February 2008, Service SA commenced rolling out an expansion initiative of the metropolitan customer service centre network. Nine centres that are currently badged as 'Registration and Licensing' are being transitioned and rebadged as Service SA customer service centres. So far, eight centres have been upgraded, with Tranmere being most recently launched on 20 October 2008. Once transitioned, the centres will provide the community with access to a range of informational and transactional services on behalf of state, local and federal government agencies, in addition to offering registration and licensing services.

Following completion of the metropolitan expansion, the Service SA Customer Service Network will comprise 20 centres: 10 in the metropolitan area and 10 in regional areas. A sophisticated queue management system (Q-Matic) has also been implemented in each metropolitan centre as part of the transition process.

Other service improvements within customer service centres include the implementation of customer reception officers to speak with customers upon their arrival. These officers 'triage' customers, identifying their needs which, in turn, has resulted in faster service delivery and greatly improved customer satisfaction.

From 1 February 2008 payment for registration renewals by credit card has become available at the 300 Australia Post outlets. Further, Service SA recently negotiated an additional nine photo-capture outlets across the Adelaide CBD for driver licence renewals. This brings the number of Australia Post outlets offering photo-capture facilities for driver licence renewals to 11 in the metropolitan area and 40 in regional South Australia, including Victor Harbor and Mount Barker.

ANSWERS TO QUESTIONS

ROAD SAFETY

In reply to the **Hon. R.L. BROKENSHIRE** (11 September 2008).

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): In

terms of expenditure by government on country roads, maintenance of a considerable portion of the state's roads is undertaken by awarding lump sum contracts on an area basis, which comprise both country roads and urban roads. Accordingly, the figures which appear below are approximations of what was spent by government (state and federal) outside the Adelaide Statistical Division (ASD).

In 2005-06, approximately $67.7 million was spent on maintenance of roads outside the ASD. In 2006-07, approximately $66.6 million was spent for this purpose, reflecting a reduction of some $1 million in funding from the federal Liberal government.

The honourable member will need to approach local government with respect to expenditure by councils on the maintenance country roads under the care and control of councils.

ADOPTION

In reply to the **Hon. D.G.E. HOOD** (10 September 2008).

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): In relation to question 1, the Minister for Families and Communities has provided the following information:

The rate of adoptions of locally born infants has declined since the early 1970s mirroring a trend throughout the western world.

This is the result of significant social changes, including access to contraception, family acceptance of single parents, recognition of single parent households, provision of support services to increase the capacity for families to keep their children and an increased capacity for mothers and fathers to make informed choices about their babies.

In relation to question 2, the Minister for Families and Communities has provided the following information:

Adoption legislation and practice in this country is underpinned by the principle that the child's interests are the paramount consideration. This principle is enshrined in the South Australian Adoption Act 1988, the Children's Protection Act 1993, the national principles in adoption as agreed in 1997 by all the relevant Australian state and territory ministers, as well as the international conventions: the United Nations Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption.

Most parents want to keep their children. Parents, grandparents and relatives of a child usually offer support to mothers and fathers to keep their child. In decades past, family members often placed pressure on women to relinquish their babies for adoption due to the shame on the family of a child born out of wedlock. That is no longer the case.

Low numbers of local adoption are not related to the adoption application process or to the issue of 'promotion' of adoption or otherwise. It is related to the fact that by and large, families do not want to relinquish their children for adoption and if they have some concerns or problems, families and society now provide support and options rather than relinquishing the child for adoption.

In relation to question 3, the Minister for Families and Communities has provided the following information:

A key platform of the SA government is to provide services to keep children safe and help keep families together. While adoption is one possibility for the long term care of children taken into care, the best interests of the child are always considered. Usually efforts are made to preserve the child's links with the family, including siblings, grandparents and other relatives while the child may be in foster care.

It is already possible for children to be adopted by their foster parents in certain circumstances and some of these adoptions do occur from time to time. The ease or otherwise of such an adoption depends entirely on the circumstances of each case.

An adoption order is granted for a child where the requirements of the Adoption Act have been met and the Adoptions Court considers it to be in the child's best interests for an adoption order to be granted.

Should such an adoption occur and the child require special care, it is possible, pursuant to section 26 of the Adoption Act for the minister to enter into an arrangement with the prospective adoptive parents to contribute to the support of the child after the making of an adoption order.

TAFE ADELAIDE SOUTH

In reply to the **Hon. SANDRA KANCK** (5 March 2008).

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): The Minister for Employment, Training and Further Education has advised:

1. TAFE SA is in regular contact with its industry counterparts and there is currently a high level program review being undertaken to ensure the provision of training meets current industry requirements. Industry representatives are actively participating in this review.

C-programming is no longer taught as a language in TAFE SA and has been replaced with modern scripting languages that have a much higher demand rate among graduates and industry.

2. TAFE SA Adelaide South has seven campuses across the southern suburbs. During 2007-08, $6,425,056 was budgeted for site and building services and $4,833,426 for capital equipment and plant services.

This funding is used to undertake building works as well as to undertake maintenance and facilities upgrades. The major items during 2007-08 include the replacement of the atrium roof at TAFE SA Adelaide campus ($1.2 million), upgrading and replacement of an air conditioning plant at TAFE SA Noarlunga campus ($480,000) and the upgrading of the Noarlunga Theatre ($500,000).

Funding of capital equipment and plant services is also being expended on the upgrade of computer equipment for students, geo-science equipment to support mining industry training, mechanical ventilation and for the replacement of equipment which is no longer serviceable.

3. The O'Halloran Hill campus is located adjacent to the fields of the O'Halloran Hill Conservation Park. Security officers undertake additional onsite inspections for evidence of vermin as part of their daily duties.

If a problem is identified, security staff place baited traps in all areas of the building in the evening, which are then removed prior to staff and student attendance the following morning.

4. TAFE SA operates in complex, competitive and contestable markets and, like any successful large business, is constantly refining and improving services to its customers.

To ensure the classes are efficient and viable, subjects are combined where student numbers are low to ensure maximum interaction and hands on involvement by students.

Currently, the TAFE system is engaged in a comprehensive strategy to position itself as a leader in an increasingly dynamic environment to ensure support for the demand for training from South Australian industry and business. This strategy has been announced and received considerable media coverage. As part of this strategy, a comprehensive infrastructure master plan is being undertaken to ensure that TAFE SA facilities are configured best to deliver a flexible and responsive service to its customers.

5. Yes, this been provided as a combination of fees capping, which limits the total amount of fees a student undertaking government subsidised work-related study pays in two consecutive semesters of such study, and an increase in the level of concessions available to eligible students. Both of these arrangements were introduced from 1 January 2003.

TARCOWIE AND LAURA ROAD INTERSECTION

In reply to the **Hon. T.J. STEPHENS** (14 November 2007).

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): I advise:

The District Council of Mount Remarkable is currently undertaking a project to realign and seal the approaches of the Tarcowie-Laura Road (local government road) with the Booleroo Centre-Jamestown Road (state road).

On 1 November 2007, the District Council of Mount Remarkable called a public meeting to discuss issues and concerns pertaining to this intersection and the Tarcowie-Laura Road intersection (local government road). The Department for Transport, Energy and Infrastructure (DTEI) was represented at this meeting.

At this meeting the issue of the intersection of First Street and Fourth Street in the township of Appila was raised as a concern for heavy vehicles. The intersection forms part of the Booleroo Centre-Jamestown Road and is about 200 metres south of the intersection of Tarcowie-Laura Road.

I have been advised by DTEI that improvements to this intersection have been approved under the Responsive Road Safety program. Estimated costs to the intersection are about $85,000.

SMITHFIELD RAILWAY STATION

In reply to the **Hon. J.S.L. DAWKINS** (10 September 2008).

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): The Smithfield Railway Station car park and the local roads surrounding it, including Anderson Walk, come under the care, control and management of the City of Playford. Any local traffic management scheme designed to reduce congestion is a matter for council to consider in the first instance.

The Department for Transport, Energy and Infrastructure (DTEI) understands that council is reviewing the road configuration as part of a proposed project to expand the parking facilities. DTEI is happy to offer its advice to assist council in developing its traffic management strategies and I have asked DTEI to contact the council in this regard.

MATTERS OF INTEREST

WALK TO CURE DIABETES

The Hon. R.P. WORTLEY (15:21): I rise today to speak about the Walk to Cure Diabetes, which took place on Sunday 12 October. I, along with many state and federal MPs, completed the 5 kilometre beach walk from Glenelg to Brighton and back to raise awareness of, and help find a cure for, type 1 diabetes. This is the second year a bipartisan South Australian parliamentary team was organised, and it was great to have a large group of around 40 taking part.

I am proud to say that the South Australian pollies' team included many state colleagues, including Chloe Fox, Duncan McFetridge, Paul Holloway, Leon Bignell, Paul Caica, Vicki Chapman and Isabel Redmond, while federal parliamentarians included Kate Ellis, Senator Anne McEwen, Senator Dana Wortley, Senator Don Farrell and Andrew Southcott. Many staff, family and friends. also participated. The walk was opened by the Minister for Youth, Ms Kate Ellis.

The Walk to Cure Diabetes is an annual event for the Juvenile Diabetes Research Foundation (JDRF), and it is one of the organisation's biggest and most popular events. Tens of thousands of people across Australia walk together during October, united in the mission to find a cure for type 1 diabetes. JDRF is the largest non-profit contributor to type 1 diabetes research world wide, with global funding in excess of $137 million in the past financial year, and JDRF's rapidly advancing knowledge of the disease and improvements in its treatments are testament to the value of the JDRF-funded research.

We have come a long way in finding a cure for type 1 diabetes. Today there are 30 human clinical trials compared to five at the beginning of the decade. Two successful islet cell transplants on Australian patients have occurred in the past year, reducing those patients' dependence on insulin. Clinical trials have maintained normal blood sugar levels in patients over a 36-hour period using an artificial pancreas made up of an insulin pump, a continuous blood glucose monitor, and a computer algorithm. There is also currently a national trial in progress to find a vaccine to prevent the onset of diabetes using inhalable insulin. JDRF researchers have also developed new treatments to reverse diabetes-related complications such as heart disease and kidney failure. With all these developments and increased funding, it is not a matter of if but when a cure will be found.

I am pleased to say that the Rudd government is also committed to supporting children with type 1 diabetes. In the recent budget $5.5 million was committed over four years to make

insulin pump technology more affordable for working families who have a child suffering from type 1 diabetes. Insulin pump therapy is an optimal treatment for young people with type 1 diabetes, and from 1 November insulin pumps will be subsidised, potentially benefiting around 170 Australians under the age of 18 each year. That is around 700 families over the four years.

The subsidy and the provision of pumps will be managed through a grant agreement between the government and the Juvenile Diabetes Research Foundation. The government will work with JDRF, industry suppliers and other stakeholders to ensure that insulin pumps can be sourced and fitted in a timely manner and the recipients receive appropriate support.

In closing, I would like to thank and congratulate all team members who participated in this year's walk. It was a great bipartisan effort which raised close to $4,000. I would also like to thank my colleagues, who generously supported the team and me. The team's success would not have been possible without their help. JDRF is a very efficient charity, so everyone can be sure that their donation is making a real contribution.

The Walk to Cure Diabetes, with the pollies' team participating, has become an annual event on the parliamentary community calendar, and I look forward to supporting the cause next year.

LABOR PARTY

The Hon. R.I. LUCAS (15:25): The past two weeks could form a good script for a reality TV show called 'the leakers versus the duds'. Two weeks ago in this chamber I highlighted the divisions and disunity within the Labor Party in South Australia and the increasing number of leaks. I highlighted, in particular, the concerns that the Hon. Bernard Finnigan had raised in caucus the previous day and the fact that he had been carpeted by Premier Mike Rann. The Hon. Mr Finnigan got up in the chamber after that discussion and said that this was 'a government and a political party in which people like each other, actually talk to each other and are actually working for the same purpose'. I suspect that he might live to regret ever having uttered those words.

After that discussion, the Hon. Mr Finnigan high-tailed it out of the chamber and had a confidential discussion with Mr Koutsantonis and the Hon. Mr Holloway in which he said, 'This has been the worst day of my life'. All I can say to the Hon. Mr Finnigan is that, if that is the worst day of his life, he needs to get out more often.

In the past two weeks much has been written about the events within the Labor Party, and I want to highlight just a few brief points. First, the Hon. Mr Finnigan was not the first person in caucus to raise the issue of arrogance and the distance between the back bench and the leadership group. Chloe Fox, the member for Bright, in recent times had clashed with the Treasurer within caucus over the issue of the Treasurer's arrogance, which is just another example.

The two major leakers and dissidents—who everyone around Parliament House and the media know but who are never publicly labelled, so let me do so—are Mr Koutsantonis (the member for West Torrens) and Mr John Rau (the member for Enfield). Everyone knows that they have been the leakers and the dissidents in recent times, and they ought to be publicly identified. Many others are talking to the media and assisting the task. The Hon. Russell Wortley, Michael O'Brien, Leon Bignell and Stephanie Key are well-known as people who talk to the media and who have been feeding these stories to the media in the past couple of weeks.

One only has to compare the statements of anonymous sources, Labor MPs, etc. attributed within the articles that have been written within the past 10 days with what we know that Mr Koutsantonis and Mr Rau, in particular, have been saying for quite some time to see where this has been coming from.

The other thing that I would put on the public record is that, contrary to the claims made by the Treasurer, Labor MPs are openly saying around Parliament House that the Hon. Mr Foley was drunk on the evening of the 15th when he came back from his function to attend the function here at Parliament House, and that was part of the problem. Part of the problem this government has is that some senior ministers, in particular the Hons Mr Foley and Mr Conlon, on occasions over the past six to seven years, have drunk to excess in a way which has affected the work that they undertake. We are aware of the recent events with the Hon. Mr Xenophon in the bar which attracted some public prominence, and many of us are aware of many other examples which have not attracted much public prominence at all—yet.

It was also intriguing to note in the House of Assembly lounge on that evening the unusual circumstance of seeing Ralph Clarke and Michael Atkinson in the one room together after all these

years. It was intriguing for many people to see and to comment on. The ongoing battles between the left and the right will be an issue that I am sure will attract discussion over the coming months.

The final point that I want to raise to highlight the poisonous nature of the relationship at the moment in the Labor Party between the leader, Premier Rann, and the deputy leader, the Hon. Mr Foley, is highlighted by an article in *The Advertiser* of 24 October headlined 'Foley image "worst"'. It highlights leaked information about internal Labor Party research which ranks Treasurer Kevin Foley's electoral image the worst of any of the senior ministers. They did the research in March and it questioned concerns about Mr Foley's 'playboy' lifestyle and how it affected his capacity to perform his work. It came from a senior source within the government.

Let's make it clear that the senior sources within government are sources very close to Premier Mike Rann. When you see research like this done—and I have some background in this—it is only the party secretary, Mr Brown, who used to work for Mr Foley, and the leader's staff who would have access to this sort of information—and the leader himself. Clearly, when you see this being leaked to *The Advertiser*, it has been sanctioned by Rann and it has been done to do damage to Mr Foley. It is part of the poisonous relationship that continues between those two and the party.

The ACTING PRESIDENT (Hon. J.S.L. DAWKINS): Order! The honourable members' time has expired. I remind the honourable member that he should refer to members by their correct title.

SOUTH AUSTRALIAN SCIENTIST OF THE YEAR

The Hon. I.K. HUNTER (15:30): Let us now revert back to reality. I rise to speak about the South Australian Scientist of the Year and to offer my congratulations to Professor John Hopwood, who has been named the 2008 South Australian Scientist of the Year, and to pay credit to the professor's distinguished career. Professor Hopwood leads the Lysosomal Diseases Research Unit at Pathology SA, and in August this year he became only the second South Australian Scientist of the Year.

The award was created last year by the Rann Labor government and recognises individual achievements in scientific research. A prize of $50,000 is awarded towards future research. Under all selection criteria for the award, Professor Hopwood has excelled. It is estimated that his research has led to work producing more than $100 million of income for our state.

Lysosomal storage disorders are inherited, and some 50 babies are born every year in Australia with such a disorder. The disorders impact on both quality and length of life. They arise from a deficiency or absence in the functional activity of a certain enzyme which is important in the removal of waste from cells. When the waste builds up, cells are no longer able to function as they should. In extreme cases, a child may die within their first five or 10 years of life.

The Lysosomal Diseases Research Unit is supported by a team of about 40, and it operates under a competitively-won research budget of about $1.5 million. The goal of the unit's work is early diagnosis and effective therapy. The unit has become world-renowned under Professor Hopwood's leadership, and his team has discovered the genes responsible for some lysosomal storage disorders. Human clinical trials are currently being undertaken.

Professor Hopwood has had a long and distinguished career that has included positions around the world. John Hopwood was awarded a PhD in biochemistry at Monash University. He followed this with a Fulbright Scholarship in 1972, which saw him travel to the United States to conduct research in the Department of Paediatrics at Wyler's Children's Hospital at the University of Chicago.

He followed the Fulbright with the John F. Kennedy Fellowship in Neuroscience at the University of Chicago, before moving to Sweden in 1976 to act as a visiting scientist in the University of Uppsala. Later in 1976, Professor Hopwood returned to Australia and joined the Department of Chemical Pathology at the Adelaide Children's Hospital. He has been working in this state ever since.

That such an experienced and talented scientist chose to live and work in South Australia is testament to this state's appeal to leading researchers. We have a climate that fosters intellectual exploration. Just last week, the Premier opened the BioSA Incubator, a $12.9 million centre, where the bioscience industry can thrive in our state. The current tenants are all early-stage local bioscience companies, and it is initiatives like this that will make South Australia a leader in its support of research and the sciences.

At the recent opening of the Stem Cell Research Centre, I spoke with another researcher based in the Faculty of Health Sciences at the School of Paediatrics and Reproductive Health at Adelaide University. Dr Vicki Clifton has recently moved to South Australia from New South Wales, excited by the research possibilities that she can pursue in our state—and she was being tempted with offers elsewhere, I understand.

Stories like this are not isolated. Many talented researchers are keen to work in South Australia and reap the benefits of the supportive and stimulating environment of our research institutions. As a society, we must continue to support and recognise the work of our scientists and researchers, whose work can reap such awards but who are often overlooked when we are seeking role models or heroes.

By setting up the annual Scientist of the Year Award, the Labor government has demonstrated our commitment to such recognition. Once again, I congratulate Professor John Hopwood on being named 2008's South Australian Scientist of the Year, and I hope his example goes on to inspire another generation of young scientists.

GM CROPS

The Hon. C.V. SCHAEFER (15:34): Last month I had the pleasure of accompanying a group of farmers from South Australia and Western Australia on a trip to Victoria to visit and inspect on-farm Roundup Ready GM Canola crops. They were clearly and visibly better than the non-GM crops being grown alongside them. Because they are the newest hybrid varieties, they not only save on weedicide application but also have a shorter growing period and are much more drought tolerant.

The farmers growing these crops have to be accredited before they can access the seed, so that they are fully aware of the new technology, and they are very excited by their first year's results. All of the farmers I spoke to intend to sow more acreage next year. Last week the *Stock Journal* ran an article quoting a Kaniva farmer as saying his worst GM canola will be equal to his best non-GM canola crop this year.

Western Australian farmers are excited by the expectation that they too will soon be able to access this modern science. Only South Australia misses out. I am sure that by now all members here know that the states have jurisdiction only over marketing: they do not have legislative power over such matters as labelling, segregation or health. That is the responsibility of the commonwealth, and the commonwealth restrictions are some of the most stringent in the world. Yet in South Australia we continue to block this technology on the slim premise of marketing advantage. In particular, we are told that Japan will not trade with us if we embrace biotechnology in the form of genetic modification.

I want to share some facts with the chamber. There are now 23 biotech cropping companies in the world. Production increased by 12 per cent, or 12.3 million hectares, in the last recorded year, between 2006 and 2007. With regard to canola, 87 per cent of Canadian canola is now GM. They are predicted to produce 15 million tonnes by 2015, and one of their fastest-growing markets is Japan. Japanese imports of Canadian canola oil have increased from 50,000 tonnes to 400,000 tonnes in a very short space of time, and importation of Canadian canola oil into the European Union has risen at a similar percentage amount, while importation of Australian canola oil has remained static over the same period. There is no premium for non-GM canola. I would like also to dispel a few other myths circulated around, and I refer to a paper produced by the Producers Forum, but verified by scientific papers, as follows:

> The scientific evidence from all the world's leading authorities on food, genetics and breeding is that GM food is safe. There have been no cases of illness attributed to GM foods. Foods produced by GM plants have been available for over 10 years. There have been no cases of illnesses attributed to GMOs in that time. In some cases the GM-derived food products are safer, for example, because BT corn resists insect infestation, it is less susceptible to moulds. When moulds infect seeds they produce myotoxins that can cause a range of serious illnesses in humans. BT corn has far less toxins than most GM varieties, especially when the non-GM varieties are grown by traditional or organic methods.

I am in favour, however, of those who wish to grow GM crops being able to do so, and I have been personally assured by the Australian Barley Board in this state that segregation is not only possible but is in place and working in Victoria. Choice is possible. However, it is not Roundup-ready canola that excites me but the technology that will allow us to grow drought and salt tolerant crops on low fertility soils with minimum use of pesticides and weedicides to feed the world sustainably. In the case of crop science, I am pro-choice and it distresses me to see South Australian farmers left behind their counterparts for no feasible reason.

Time expired.

SOUTHERN THEATRE AND ARTS GROUP

The Hon. R.L. BROKENSHIRE (15:39): My matter of interest today is something I have been looking forward to putting on the public record for a little while, and it is to do with the Southern Theatre and Arts Group, operating in the south with its home base located at Willunga in the old Willunga council chambers, which I had the privilege of opening for the Willunga council several years ago. When they amalgamated, the Southern Theatre and Arts Group were fortunate to have the opportunity to set up their home in that facility, and it does great work in bringing all sorts of arts and theatre to our region over the Fleurieu Peninsula.

I particularly want to put on the public record my sincere appreciation of the late Olive Reader, a dynamic lady who taught me and many others a lot about how to lobby; how to bring volunteers together; how to build enthusiasm; and how to show that, through volunteer commitment to something that you really believe in, you can bring a lot of opportunity and a lot of enjoyment to thousands of people. After leaving the House of Assembly, I was asked to open the Olive Reader Room at the headquarters of STARS. That was a great privilege for me and it delights me no end when I go into that facility now to see her name there, as no doubt it does for all of the hard workers for STARS.

Last week the Premier and the government held a community cabinet in the south, and I commend the Premier for naming a room at the Noarlunga theatre after Olive Reader. He also renamed the Noarlunga theatre building after the Hon. Don Hopgood, which I also support, because Don Hopgood has been a great supporter of particularly music development for young people in the southern region. I am delighted that Olive Reader has now been recognised for what, I would have to say, were her efforts, almost single-handedly, that ensured that there was no sale of the Noarlunga theatre at a time when the finances of the state were difficult and TAFE was not very interested in maintaining the facility. She brought the matter to my attention, I then did a lot of lobbying, and I had support from the Hon. John Hill, for which I thank him. As a result of bipartisan support, we saw that facility stay and, as I said, a room has now been named after her.

I will go further to say that Olive Reader saw that there were many young people of all age groups who had the capacity to develop certain gifts that they were given, whether it be in poetry, writing, arts, theatre or music. The number of events that STARS puts on over the year is dynamic. Unfortunately, I am not able to attend as many functions as I would like because of my workload, but, every time I go there, I am always very welcome. I have to say that Brian Reader has continued to maintain a great interest in that venue. I will not name all the others—they know who they are—but the committee is exceptional. There is a lot of great leadership in ensuring the further development of the arts in the south.

Personally, I would like to see more money put into country arts because, particularly in the south and in isolated and remote regions, country people—unless they happen to be in Mount Gambier, where there is a great theatre and facility—by and large throughout the state do not have the facilities that are available in Adelaide. Whilst those facilities are needed in Adelaide, a lot of country people cannot access them. The whole idea of STARS is to bring talent into the district so that people can go along and enjoy a daytime or evening performance and to develop the young people in the district. The talent in the south is fantastic when it comes to all sorts of arts performances. Scott Hicks is making a film down there and other films have been made in the region, and, with the music development in the schools, there is so much opportunity given to those people to develop further through STARS.

Whilst I only had a few minutes to put this on the public record, I will never forget and I will always love and appreciate Olive Reader. She has left a lasting legacy for me and many others when it comes to her love for the arts.

Time expired.

CHRIST THE KING SCHOOL

The Hon. R.D. LAWSON (15:44): Last week, year 5 students from Christ the King School, Warradale delivered presentations at a conference held at the Hyatt in Adelaide. The presentations were on environmental and climate change issues. I had the pleasure to hear them and they were excellent. The presentations indicated that the individuals in this particular class have a lot of talent and the school from which they come deserves to be recognised. The presentations were an

interlude during a national Qualcon conference conducted by the Australian Organisation for Quality (South Australia) Inc.

Each student presented work on a particular topic via a Powerpoint presentation. Some were of particular weather events, such as Cyclone Katrina, and others were of phenomena such as the Asia tsunami. Another group of presentations related to steps the school was taking to reduce its carbon footprint; practical measures, such as recycling and water saving devices and the like, were all described. Other students presented artworks and the like.

The quality of the Powerpoint illustrations and the texts prepared by the students was excellent, and so were the artefacts; they were of a standard much older students would have been proud of. However, the really impressive feature was the students themselves. Each member of the class spoke briefly to the gathering on his or her topic. Their confidence, poise and capacity to communicate was, without exception, terrific. They are a credit to themselves, their parents and their school. The adult audience at the conference was duly impressed. Indeed, one could not but be impressed by such a display.

Christ the King School is a Catholic R-5 school. It used to cater for the traditional primary years of R-7 but changed its configuration as part of the 'middle school' revolution in schooling. I do not profess to be an expert in educational practices, but the relative maturity of this group of students provided me with a graphic example of the benefit of making year 5 the end of one phase of schooling; they really performed as a graduating class.

I commend their teacher, Ms Anne Marie Hall, and the Principal of Christ the King School, Ms Susan Steward, for their obvious support of the students, their enthusiasm and their leadership. I also commend Craig Ottoway, who is President of the Australian Organisation for Quality in South Australia, who was the conference organiser. He was creative enough to include a school presentation in the conference agenda, an innovation that was most warmly appreciated by delegates. By a happy coincidence, Craig is also the chair of the school council.

Education commentators, ideological warriors, employer groups, universities and the media would all have us believe that the standard of Australian schooling is on a steep decline. According to many of the reports one reads, most students emerging from our schools are barely literate or numerate. This is certainly not true of the students of Christ the King, Warradale. I suppose that many other schools with similarly dedicated students and teachers are performing just as well. However, today I particularly want to commend the members of the year 5 class at Christ the King, Warradale and wish each of them and their school good fortune in the future.

Time expired.

FAMILIES SA

The Hon. SANDRA KANCK (15:49): Ladies and gentlemen, today, as the facilitator for the Families SA training day for new social workers, I welcome you here, and I want to make some general points. In Families SA, we work in teams, and your team leader will provide you with the original family report from which all your other reports can be copied and pasted. Should that file ever go missing, just find the last version you saved and begin a fresh cut and paste report. This is the ginger beer plant model and it never, ever fails.

However, if you are ever in the position of interviewing a client for the first time, remember that you can write down any allegations at all on the file, and you do not have to put any basis for reaching those conclusions. You will always be guaranteed that those who follow you will reach the same conclusions as you have and that they will always back you up; in this way, the department is never caught out. We do not want any expectations of apologies, and we must always deny that we have a duty of care. A general rule of thumb, where parental relationship breakdowns result in accusations of abuse being made against partners, is to take sides with one of the partners.

There will be times when staffing levels do not meet the demands. Your duty then is to be in as many meetings as you possibly can so that you cannot be contacted. If, for any reason, you are not in a meeting, then do not feel obliged to answer your phone—put it on voice mail. We do not want any one of us to become available to foster parents or clients on an on-call basis. They could become dependent on us and demand more services. If there are any requests by foster parents for fees to be paid for private religious schooling for foster children, check the religious background of the parent. If they are atheist or agnostic we will comply with the request as a way of disempowering the birth parents. No justification will be required and no expense should be spared—after all, the taxpayer will meet the costs.

We are now going to move into break-out groups and here is some information to assist you in deciding which one to attend. We have been copping a little bit of political flak lately over our broken promises on family reunification. For this reason, there is going to be a break-out group to rename the reunification unit without letting on that we really do not want reunification.

The Teenagers Know Best group welcomes newcomers. You will come into contact with a range of teenagers in this job and they know what they want. It is important that you respect them and that you allow them to make the decisions and not you.

Then there is the Provoke the Foster Parents group. They have an interesting overlap with the previous group because we like to encourage you to believe every allegation made by a child, even when it has been shown that the child, through repeated placements, has learnt how to play foster parents off against the department. Keep them under-resourced as this may result in a loss of foster parents but, ultimately, we can return to an institutionalised model of care which will probably be for the best because we will then have total control.

The Maximise the Number of Care Orders Until the Age of 18 group has delivered strong results in recent times and I am sure that will also be attractive to you.

As much as possible, we do our best to ensure that, having determined natural parents are always in the wrong, the information they receive about their children is as limited as possible. The Keep the Birth Parents in the Dark group will assist you in developing those skills.

Our High Churn Focus Workshop will develop methods to maintain rapid staff turnover to review and update the 'never to return to my section' policy and to ensure that children under the minister's care have constantly changing social workers. Life is tough and we need to make sure that these children understand that there is no-one you can rely on.

The department changes its name every two to three years and the Deck Chairs on the Titanic group would welcome your participation to sort out the next name change.

If the Ministerial Rapid Response Unit would move to the library and get some answers ready, that would really help to speed things up today. Do not worry what the questions are.

The Access No Areas group will work on strategies to reduce access. We know that contact with birth families is upsetting so we must be a tiny bit devious at times to make sure it barely happens. I am sure everyone understands that.

I hope this training day will be an enjoyable one for you all and, remember, the department (by whatever name) has always been right and always will be right.

Time expired.

CRIMINAL LAW CONSOLIDATION (AGGRAVATED OFFENCES) AMENDMENT BILL

The Hon. D.G.E. HOOD (15:56): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. D.G.E. HOOD (15:56): I move:

That this bill be now read a second time.

Today, I want to introduce a simple bill that Family First believes will work to increase the safety of our valued emergency services workers. I first proposed measures to strengthen protections for our ambulance officers and other emergency services workers following reports on 18 August this year in *The Advertiser* that ambulance officers had declared some suburbs as (what the paper called) 'no-go zones' without police escorts; that is, they would not enter those suburbs without a police escort. I find that situation completely ridiculous for a city like Adelaide, and I am sure other members would agree with me. Something must be done to protect these officers who work so tirelessly for our welfare.

The Advertiser also described—and a number of my constituents have verified this—that assaults on ambulance officers have become far too frequent. In 2007, 28 assaults on our ambulance officers were reported, compared with just 13 in 2006, nine in 2005 and nine in 2004. To the end of July this year, 12 assaults have already been reported. So, clearly, it seems that the number of assaults are on the increase.

Phil Palmer, on behalf of the union representing ambulance officers, says that most incidents are not reported and, in fact, assaults are 'almost a daily, shift-on-shift occurrence'. These

assaults are usually drug and alcohol fuelled. That is completely unacceptable, and I am sure other members would agree.

The violent behaviour of these individuals does not stop when they arrive at our hospitals. I remind members that so-called 'code black' calls made by staff in our hospitals when they feel that they are in danger increased from 4,427 in the 2005-06 financial year to some 6,056 in the past financial year. Again, unfortunately, these terrible incidents are on the rise. Clearly, something needs to be done.

I propose that ambulance officers and other emergency services workers should be specifically protected under section 5AA of the Criminal Law Consolidation Act. That section already specifically names some types of assault as 'aggravated' and imposes higher penalties for assaults against police officers, prison officers and other law enforcement officers, but it does not specifically name ambulance officers or other emergency services workers—other than police officers, of course, because it does specifically include them.

This amendment will specifically declare any assaults against our health and emergency services workers to be 'aggravated' under section 5AA of the Criminal Law Act. I am aware that certain professions are declared 'prescribed' within the Criminal Law (General) Regulations of 2006 and are therefore protected under section 5AA(1)(k)(ii) of the act. For the record, these professions are: SA Country Fire Service members; SA Metropolitan Fire Service members; SA State Emergency Service members; SA Ambulance Service Inc. members; St John Ambulance Australia (SA) Inc members; Surf Life Saving (SA) Inc members; a body or organisation that is a member of Volunteer Marine Rescue (SA) Inc; and those who work in the accident and emergency department of a hospital.

Whilst clearly it would seem that the people I am trying to protect through this bill are protected under regulation, the question needs to be asked: why are they protected merely by regulation, which can be changed very easily at the stroke of the minister's pen, when other members have that protection enshrined in legislation?

In my view, protections granted to our emergency services workers should appear in a section of the act proper and not in an obscure regulation that can be changed, as I said, on short notice. Clearly, the protection for ambulance officers should be spelled out in section 5AA in the same way as protection for children and police officers is already spelled out—and that is precisely what this bill does.

I question how many cases in which ambulance officers have been assaulted were charged as simple assaults because the aggravated nature of the offence is currently not apparent without resorting to a search through regulations—something I believe is inappropriate. This amendment would make it clear that the maximum penalty for assault against such workers is indeed aggravated under law, going from two to three years for assault and from three to four years for causing harm to ambulance officers or other emergency services workers. We must send the loud message that assault against these very valuable members of our community, who are doing a terrific job, is absolutely and completely unacceptable.

I have written to a variety of emergency services organisations requesting their comments on this bill, and the responses have been overwhelmingly positive. In brief, and as I have outlined, this is a very simple bill. It will preserve, in legislation, protection for ambulance officers—as is currently the case for other professions. For some reason ambulance officers, and the others mentioned in the list I read out, are protected only by regulation. Why should they not have the same level of protection under legislation as their colleagues (for instance, the police and the like)? They work in very dangerous circumstances and, as I have outlined, the incidence of assault is increasing; unfortunately, the assaults are also becoming increasingly violent.

The data bears out that it is becoming more and more frequent. I would not say that these things have reached plague proportions, but they have certainly reached significant numbers, and it is very concerning. To think that we have so-called 'no go zones' in our city, places where ambulance officers either will not go or feel very uncomfortable going into without a police escort, is absolutely unacceptable. People who inflict this sort of violence on ambulance officers doing their job, attempting to actually help them, should, as far as I am concerned, face very severe punishment indeed. That is what this bill will do.

Debate adjourned on motion of Hon. I.K. Hunter.

WATER HEATERS

The Hon. R.D. LAWSON (16:03): I move:

That the regulations under the Development Act 1993 concerning heated water services, made on 26 June 2008 and laid on the table of this council on 22 July 2008, be disallowed.

In March this year the Minister for Energy announced greenhouse gas emissions and flow rate performance standards for domestic water heater installations. These have already commenced this year.

Under these new standards, water heaters installed to specific classes of new and established dwellings in South Australia need to meet specified greenhouse gas performance standards. In addition, shower outlets connected to the installed water heater will need to meet water efficiency flow requirements. It is claimed that this measure will contribute about one-third of the energy savings needed to meet South Australia's Strategic Plan and that it will significantly contribute to our water resources.

These changes are to the waterworks regulations. They are required to allow SA Water to issue a direction requiring licensed plumbers to comply with the new standards. The old waterworks regulations did not allow for a direction of this nature to be given, and it was proposed in this particular regulation that the direction be used to enforce the new standards. I will shortly move Notice of Motion: Private Business No. 6 appearing on today's *Notice Paper*, which sets out a variation to the development regulations that will establish the performance standards for domestic water heater installations.

All of these principles are commendable and are supported by the Liberal members; however, the member for Heysen has pointed out that the effect of the new requirements is that new water heaters which are installed in areas in the Adelaide Hills such as around Stirling and some of the colder parts of the state will have to be either gas or solar hot water systems. There is no reticulated natural gas in the Adelaide Hills and many other parts of South Australia; there are some parts of the state but not many, so that means that households using gas need to obtain bottled gas or solar heaters. I am advised that solar heaters in the Adelaide Hills are not as effective—certainly, in some areas for some houses which do not have north-facing edges or houses which have trees around them.

The solar hot water systems, as I am advised, are said to be resistant to frost up to 800 metres altitude but, in fact, because of the features I just mentioned about the location of solar panels, they do not operate in many cases as well as they should. Indeed, I am advised that some 75 solar hot water systems in the Stirling area failed last year because of cold temperatures, principally burst pipes and the like.

Ultimately, this means that for those people there will be a need to install an electric booster, which is expensive and which rather defeats the purpose of reducing the greenhouse gases, as I am advised. So, we believe that the regulations ought be amended by allowing for exemptions in places such as the Adelaide Hills to accommodate the particular problems that are being experienced there.

I am seeking further information regarding the effect on the Stirling area of these regulations and I will seek leave to conclude my remarks in relation to this motion. Members would be aware that it is not possible for either house of parliament to amend regulations, and it is for this reason that in order to agitate the issue and to secure the exemption it is necessary to move for disallowance of the whole. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

WATER HEATERS

The Hon. R.D. LAWSON (16:09): I move:

That the regulations under the Waterworks Act 1932 concerning variation, made on 19 June 2008 and laid on the table of this council on 22 July 2008, be disallowed.

This notice of motion is related to the previous one which I have just moved and upon which I have just spoken. I seek to conclude my remarks later.

Leave granted; debate adjourned.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

The Hon. SANDRA KANCK (16:10): Obtained leave and introduced a bill for an act to amend the Coroner's Act 2003. Read a first time.

The Hon. SANDRA KANCK (16:11): I move:

That this bill be now read a second time.

In preparing this bill, I was struck by the realisation that, although the Coroner investigates the circumstances of deaths of people, his or her function is really all about saving lives. Coronial inquests occur to help us learn how to prevent avoidable deaths from happening in the future. The amendments I am introducing in this bill today are designed to help the Coroner perform that lifesaving task.

These amendments came about as a result of the Rough Justice seminar that I held in Parliament House in September to discuss the ever-tightening noose of the law and order agenda of the major parties. At this seminar, Chris Charles, a solicitor with the Aboriginal Legal Rights Movement in South Australia, presented a paper in which he proposed these recommendations.

I take the opportunity to pay tribute to Mr Charles. A good lawyer can make a lot of money in very comfortable surroundings, but he is one of these people who has, instead, dedicated most of his legal career to serving the interests of indigenous people.

In speaking, Mr Charles paid tribute to my former colleague, and a colleague of many others in this chamber, the Hon. Ian Gilfillan, who in 2003 tried to amend the Coroners Act along similar lines to what I am doing today. The issues which these amendments are seeking to address were identified by the Royal Commission into Aboriginal Deaths in Custody, which found that coronial reform was a key measure to address the high rate of deaths in custody.

My first amendment to section 25 would essentially give the Coroner the power to make a broader set of recommendations when reporting on a death, and it provides:

(2) The court may add to its findings any recommendation that, in the opinion of the court:

(a) might prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the inquest; or

(b) is appropriate in the circumstances (even if the recommendation relates to a matter that was not material to the event the subject of the inquest).

Clause 2(a) is identical to the existing provisions; it is 2(b) that widens the Coroner's power.

I see this amendment as necessary because, for some strange reason, we, as a parliament, have insisted that the Coroner wear blinkers. Under the current act, the Coroner investigates a death. He or she, in the process, identifies other matters which may lead to other deaths, but he or she must make recommendations only on the incident which is being investigated, or on a matter similar to the matter being investigated.

This limitation was identified by the then state coroner, Mr Wayne Chivell, on 31 May 2004 in the inquest into the death of Mr Lindsay. In that case, submissions were made to the Coroner that the family of the deceased were reluctant to sign statements prepared for them by the police, because those statements did not contain the allegations that the family members were making about the police and the scene of the death.

The family was also reluctant to cooperate with police because of the treatment they had received at the scene. The average person would realise that, if police actions were causing witnesses to be reluctant to cooperate, that could have serious implications for any future inquiries and, indeed, the general administration of justice. The Coroner noted this but under the act did not have the power to pursue this issue or make recommendations about it. The Coroner commented:

This is the type of issue which has given rise to recommendations, for example, in the Royal Commission into Aboriginal Deaths in Custody, that the Coroner should have the power to make recommendations about issues which are incidental to a death rather than directly causally relevant to it. In several states of Australia coroners now have that power. That power does not exist in South Australia and, in my opinion, it would be inappropriate for me to exercise my power to force an officer to answer questions about issues that are irrelevant to my inquiry.

I wonder in referring to other states having these powers whether this was code for a request for the same in South Australia.

In the Carter inquest delivered by the State Coroner on 16 June 2000, a young Aboriginal man who was transferred from a youth training centre to an adult prison died in his cell from a drug

overdose. The circumstances of his incarceration were that he was placed in a cell with shared toilets and handwashing facilities in the company of another Aboriginal prisoner who had an infectious disease. This prisoner's case management files included recommendations for single cell accommodation, stringent cleaning of his cell and discouragement of homosexual activity, sharing needles and tattoos and no contact sports. The Coroner received the information but could not use it as the subject of recommendations. In commenting on the undesirability of the doubling up of prisoners who had communicable diseases, the Coroner concluded:

> In this particular case I am unable to find that Mr Carter died as a result of this policy. I am therefore unable to make a recommendation pursuant to section 25(2) of the Coroner's Act on this topic.

The fact that prisoners with serious communicable diseases were sharing cells with prisoners who did not have such diseases is clearly a significant matter that deserved some consideration. It is possible that such circumstances could create high levels of anxiety among some vulnerable prisoners, but the Coroner was prevented from making any recommendations.

In the Saraf case, which concerned the death of a Mrs Wells, the State Coroner had recommended that the Cremation Act be amended to disqualify a doctor from certifying a death in a nursing home where that doctor had a financial or proprietorial interest. The South Australian Supreme Court found a few months ago, on 23 June 2008, that this exceeded the Coroner's powers under section 25(2). Here we have three cases where the Coroner has identified issues which, if addressed, could arguably save lives in the future. However, because the Coroner's Act forces the Coroner to wear blinkers, that is, he can make recommendations only on matters related to or similar to a particular death, these improvements are waiting to be made in our system.

The second set of amendments in this bill is designed to give the Coroner the power to force the government to respond to his recommendations. I stress that it does not give the Coroner the power to make the government implement them but simply to give a response. These amendments to section 25(3) involve the addition of two new subclauses (6) and (7), which enable the Coroner to request a supplementary report from a minister that addresses any matter that the State Coroner considers necessary arising out of the report. The minister would then have eight sitting days, or three months, to table a supplementary report before both houses to address the matters raised by the Coroner and to forward a copy of the supplementary report to the State Coroner. The effect of this is obvious: recommendations would not just disappear into the ether—it is an accountability measure.

A good example of the need for the State Coroner to be able to force a response is the longstanding debate about hanging points in cells. Coroner's reports have been calling for the elimination of hanging points since 1995. We have had the Wakely inquest, the Johnson inquest and the Taylor and Glennie inquests as examples of this. The department and the minister have refused essentially on budgetary grounds. My amendments would enable the Coroner to force the minister to explain a lack of action, both to the Coroner and to the parliament. This process could expose or vindicate the minister, but at least it would force accountability. As we are told constantly in relation to other areas of law, if you have nothing to hide you will have nothing to fear. I find it difficult to see how either of these amendments could be opposed. We are, after all, talking about how to save lives. We all know that politicians and bureaucracies will cover up their mistakes or avoid decisions that might blow the budget, or alienate voters.

I remind members that state coroners are serious, sober people. They are chosen by government to take up those positions because of those characteristics. It is highly unlikely that they would ever use these expanded powers in a frivolous manner. The recommendations and the requests have been made over more than a decade. It is time now for action, and that is why I have introduced this bill.

Debate adjourned on motion of Hon. J. Gazzola.

COPPER COAST DISTRICT COUNCIL

The Hon. SANDRA KANCK (16:20): I move:

That this council:

1. Notes the continuing concern by many Wallaroo residents about the sale of council-owned land to Leasecorp and the serious allegations raised both publicly and in confidence about the fairness of the process by which this sale was conducted;

2. Notes that the Minister for State/Local Government Relations is conducting an investigation into the District Council of the Copper Coast;

3. Calls on the Minister for State/Local Government Relations to ensure that her investigation of these complaints is wide-ranging and thorough and includes the collection of evidence from the various parties who have either publicly or privately made serious allegations about the conduct of council; and

4. Recognises that emphasis in the Ombudsman's Act on complainants who are directly impacted by an administrative decision limits the ability of the Ombudsman to investigate, in the public interest, concerns about maladministration in local government.

I think all members will see this motion as uncontroversial, but I am also equally sure that members can see where it is leading. It is an attempt to put the spotlight on events in the District Council of the Copper Coast and to prepare this council for stronger measures down the track, should they become necessary. I think it also highlights, yet again, the contortions that our institutions are forced into because we do not have an ICAC.

Before I explain my motion, I want to put into context what I know is seen by some as a sustained campaign for accountability on the Copper Coast. I emphasise that I am a friend of local government. I see it as being one of the most democratic forms because it is so much closer to the people than other forms.

The Hon. R.P. Wortley interjecting:

The Hon. SANDRA KANCK: No; not all of them; some of them actually had motions for it. I also believe that most councils—the great majority of them—do a good job in some areas, and climate change is one example where the best councils, in fact, have been light years ahead of state and federal governments. Local government is not alone, however, in having a dubious relationship with developers—which is what I have been pursuing over the past six months. I think of the fees for afternoon teas and dinners, drinks with ministers and the campaign contributions to the major parties.

I also sympathise with the urge to develop. In regional areas we have seen a drift to the city, and if we can revitalise some of the regional areas, that population is more likely to stay there and, in fact, we may see a drift in the other direction.

Wallaroo (the site of much of my discussions in recent times) has been a very disadvantaged area. Its blighted industrial foreshore has been crying out for imaginative development and only a big developer is up to that task: it is beyond, I think, the expertise of a council of that size. But, despite the need for jobs and investment in country areas, we cannot allow or justify slipshod processes; nor can we deny the community its right of consultation and its right to have a say.

Paragraph 1 of this motion calls on this council to note the concerns of some Wallaroo residents in relation to the sale of land to Leasecorp for a shopping centre in that town. It is self-explanatory: I do not think anyone could deny that there is widespread and ongoing concern about this particular issue. Yesterday two groups of protesters from Wallaroo gathered on the steps of Parliament House; one in favour of that development and the other one opposed to it.

On 12 September, 500 people—more than 30 per cent of the population of Wallaroo—attended a town hall meeting to protest against the Leasecorp development and, in particular, the inclusion of Woolworths in that development. At least 1,600 people—more than half the population of Wallaroo—have signed a petition opposing that development. Just to put that in perspective: a similar meeting in Adelaide would have attracted 300,000-plus people. The Beatles might have gone close to that back in 1964 and, comparing the petition, it would have collected 600,000 signatures in Adelaide. So this is a huge issue in Wallaroo. In addition to the serious and the sustained questions I have been asking about the fairness of the process, I have been approached by a number of people who feel that they cannot publicly speak out because they would lose future business, or because of personal links with the council and council members. I have passed on those details to relevant authorities, but I cannot mention them here without breaking an undertaking to keep matters in-confidence.

However, Mr Bob Soang, the General Manager of Drakes Foodland, Wallaroo, has been a consistent and public critic of the council's proposals. He says that he offered the most for the land; his proposal was consistent with the development plan for Owen Terrace, Wallaroo; and the successful tenderer, Leasecorp, was the only bidder that received a second chance to increase its bid.

He further goes on to say that council's explanations for its decision have been inconsistent and contradictory. At the beginning, the council emphasised that the nature of the development

was the factor and not the price. However, latterly, the council has began arguing that, in fact, Mr Soang's bid would have cost the council more. You could say Mr Soang has a self interest in this. His company wanted the land and was not selected and, on the other hand, he has very little prospect of reversing the council's decision. If the Woolworths store is built, it is quite clear that the Foodland in Wallaroo will close down. So, yes, he has a lot to lose, and he does not hide that fact, but I think his complaints are very credible.

Well placed sources in the Copper Coast support Mr Soang's version of events and have highlighted what they saw as a sudden change in the council's decision. The various changes in the council's arguments, alleged by Mr Soang, are also verified by looking through the *Yorke Peninsula Country Times*, a newspaper well worth having a look at. The community debate that is going on about some of the proposals of this council and another council in that area are really a delight to read, because so often in the city we do not get this level of involvement and commitment.

I believe also that the council's own documents support Mr Soang's case, or at least indicate that the council does not understand how its own policy and development plans relate to this important project. In a nutshell, the council selected a proposal that would be at variance with half a dozen provisions of the Copper Coast Development Plan. The development application will be assessed by the Development Assessment Commission, which I hope will force some significant amendments.

I am not calling on members to take a position either way on whether or not there ought to be a Woolworths but simply to acknowledge that serious allegations have been made and that they should be investigated. The very fact that the Minister for State/Local Government Relations is holding such an inquiry suggests that the government itself recognises that there is some sort of a problem. As members would be aware, that investigation is now proceeding, and the Minister for State/Local Government Relations made a ministerial statement about that in this place yesterday. However, I observe that the Office for State and Local Government Relations is not a statutory judicial body of the type that is really set up to carry out this sort of inquiry.

I have had a discussion with the director and staff of that office—and I thank them for that briefing and discussion and for their openness—but it is clear to me that this is not a key role for them. Their first instinct, I would say, would be to play a constructive role in helping the council to deal with processes and cultural weaknesses that have led to this problem, and that is exactly what they told me they are going to do. It is understandable and it is appropriate, but it does suggest that the office—and therefore the minister—may not be in a position to get to the bottom of this problem, and I suspect that they may not even have the resources to do that. The staff of that office are happy to receive and investigate complaints, but they are not out in the field talking to the critics of the council or to people such as local traders, who might have similar experiences with that council.

Paragraph 3 of my motion is designed to push the office in that direction. It may be that members think that this is asking too much of them, and I will listen to the minister's response, particularly in that regard. Paragraph 4. states:

> Recognises that emphasis in the Ombudsman's Act on complainants who are directly impacted by an administrative decision limits the ability of the Ombudsman to investigate, in the public interest, concerns about maladministration in local government.

This is based on both the strengths and weaknesses of the Ombudsman. The Ombudsman has the powers of a royal commission and, in the absence of an ICAC, this seems to be the logical place to look for redress. However, the Ombudsman's Act has a major flaw: the way in which it limits the grounds for complaint works against the public interest. Section 17(2) provides:

> The ombudsman may refuse to entertain a complaint, or, having commenced to investigate a matter raised in a complaint, may refuse to continue the investigation if of the opinion—
>
> (a) that the matter raised in the complaint is trivial; or
>
> (b) that the complaint is frivolous or vexatious or is not made in good faith; or
>
> (c) the complainant or the person on whose behalf the complaint was made has not a sufficient personal interest in the matter raised in the complaint;

I think we would all agree that the Ombudsman must be able to reject trivial or vexatious complaints but (c) enables complaints from a person who does not have sufficient personal interest

in a matter to be dismissed. In fact, a number of such complaints from people on the Copper Coast —both about the Wallaroo supermarket and other matters—have been dealt with in this way.

The problem is that often people who are directly affected might not be in a position to complain. They might be related to someone who could be the subject of investigation or they might depend on future business from the council. I can assure members that there are people on the Copper Coast who have not complained because of either or both of these reasons.

We have, with the Ombudsman's Act a watchdog. We have given him teeth but we have made him blind in one eye. At the moment I am in the process of drafting legislation to remedy this problem. I will meet with the Ombudsman to discuss this matter with him. In the meantime, there is one way of getting to the bottom of the goings-on in the Copper Coast: this council can require the Ombudsman to investigate under section 14(1) of the Ombudsman's Act, which provides:

> Subject to this section, either House of Parliament, or any committee of either of those Houses, or a joint committee of both Houses of Parliament, may refer to the Ombudsman, for investigation and report, any matter that is within the jurisdiction of the Ombudsman and which that House or committee considers should be investigated by the Ombudsman.

If necessary, I will bring a motion to require the Ombudsman to investigate events on the Copper Coast. As I say, if necessary—it may not come to that. However, we are at this point, I suggest, because in South Australia we do not have an ICAC, a dedicated anti-corruption body. In the absence of one we are forced to put different tools together with the legislative equivalent of chewing gum and string.

Yesterday, the minister outlined a range of measures to improve local government accountability across the board, and I welcome those; they are a move in the right direction, but they are certainly no substitute for an ICAC. The minister, despite doing that, will not have the same powers as the Ombudsman. I do not believe those measures have any relevance for this motion, although they may have some impact on future discussions about the role of the Ombudsman.

This motion does no more than state some facts. There is concern about the Copper Coast, and serious allegations have been made about council processes. Those concerns can be resolved only by a proper investigation. That is the only way that we can either clear this council's reputation or hold it accountable. This motion also effectively says that I do not believe that the Minister for State/Local Government Relations has the tools to do this; however, I am willing to give her investigation more time. Finally, the motion says that the Ombudsman has some powers but that we have legislatively blinded him to broader considerations of the public interest.

I urge members to support this motion and, at same time, I alert them to the fact that I will be bringing more substantial measures before this chamber about this and other related local government issues.

Debate adjourned on motion of Hon. J.M. Gazzola.

ELECTRICITY (FEED-IN RATES) AMENDMENT BILL

The Hon. M. PARNELL (16:35): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996. Read a first time.

The Hon. M. PARNELL (16:36): I move:

> That this bill be now read a second time.

The purpose of this bill is to fix a loophole—a mistake if you like—in the Electricity Act which was not dealt with adequately when we debated the feed-in tariff bill in relation to solar panels earlier this year. We did not get it right on that occasion because we all—the government and certainly the Greens—assumed that the electricity retailers would do the right thing by their customers and not simply apply the letter of the law in an unfair way.

The issue at stake here relates to the payment for electricity produced by those people in the community who have solar panels on their roofs producing electricity and feeding it back into the grid. The effect of not getting this law quite right when we debated it earlier this year has been a windfall profit for the big electricity retailers, a profit that I estimate at about $350,000 each year. That is money that I say belongs in the pockets of those citizens who have done the right thing by the climate and put solar panels on their roofs; it does not belong in the pockets of the big end of town.

To explain this loophole and why it needs to be fixed, I need to go back to the situation as it occurred on 1 July when the feed-in tariff scheme commenced. Before that date, energy retailers were happy to pay for the electricity they received from households exporting power to the grid from their domestic solar panels, and they were happy to pay for that electricity at what I call a one-for-one rate. In other words, they paid you for your electricity what you paid them to buy their electricity—a one-for-one rate.

The retailers recognised that the electricity produced from these solar panels had a value, and they recognised that it would offset them (the retailers) from having to enter the market to purchase that electricity elsewhere. The electricity that comes from these solar panels is green electricity and, fortunately, most of it is produced during peak periods; that is, mid to late afternoon, in particular, on hot summer days. When the solar feed-in laws that we passed earlier this year came into effect on 1 July, a 44¢ premium began to be paid. It is important to note that this 44¢ is not paid by the electricity retailers. It is not paid by AGL, it is not paid by Origin; it is actually paid for by all South Australian electricity consumers—effectively, all taxpayers, because an overwhelming number of us who pay taxes are also electricity customers. So the cost of that 44¢ premium is spread throughout the community.

The thinking was that this was a premium, in other words, that this was on top of the payment for the electricity; it was an extra payment, not a substitute payment. When we as a parliament debated this bill, and supported the government's position—which was to ask all taxpayers and other electricity consumers to contribute to this 44¢—we saw it as a subsidy, if you like, or an extra bonus on top of the value of the electricity that was produced.

Some retailers chose to recognise that this was effectively a taxpayer-funded premium and continued to pay for the electricity they received from the solar panels; they continued to pay between 16 and 20¢ per kilowatt hour. They were happy to pay that amount; they were paying it before 1 July and they continued to pay it after 1 July, and they paid it in addition to the 44¢ that was the legislated premium that they were required to pass on—that amount having been collected from other customers. Customers of those companies began receiving about 60¢ per kilowatt hour for the excess electricity that they were producing and exporting to the grid. One company, TRUenergy, for example, paid 20¢ a kilowatt hour on top of the 44¢, so its customers were getting 64¢ per kilowatt hour for every excess unit of electricity they produced.

Other retailers—and the big ones I particularly have in mind are Origin and AGL—chose to use the introduction of this feed-in scheme to make a massive windfall profit, and stopped paying for the electricity that they were receiving. Those companies were hoping that the solar panel owners, the small generators, would be happy enough receiving the 44¢ and would not notice, or would not mind, that they were no longer being paid for the electricity that they actually produced. As I have said, I estimate that, with the number of panels on the roofs of homes and small businesses in South Australia, the windfall profit to these companies is in the order of $350,000. So, we are not talking about small change; it is a considerable amount of money.

In a ministerial statement on 19 June this year, the Premier stated that by the end of 2007 more than 2 million kilowatt hours of electricity was being returned to the grid every year from these solar panels. By February 2008 I think that figure was probably closer to 2.2 million kilowatt hours. The amount is increasing rapidly and will be much higher in three to five years. If we do the sums and take that figure of 2.2 million kilowatt hours and value the electricity at 16¢ per kilowatt hour (which is at the lower end of the scale, and lower than TRUenergy is paying), we arrive at the figure of $352,000. That is money that should be going into the pockets of householders who have done the right thing by installing solar panels on their roof; it should not be going into the coffers of the big electricity retailers.

Since raising this issue a number of months ago I have been inundated with complaints from angry customers of both AGL and Origin who quite rightly feel that they are being ripped off. They feel that they have done the right thing by society, by the climate and by the planet in putting these relatively expensive solar panels on their roof, yet their retailers are refusing to pay them for that power. So, I commenced an online petition on this issue and I have already collected 200 signatures. Given that the number of people who have solar panels on their roof is a relatively small proportion of the population, to get 200 signatures of people who are upset about being ripped off I think is a considerable number.

I should also tell the council that I have raised this matter with the Essential Services Commission (ESCOSA) which, as members would know, is the body which is responsible for looking at the price of essential services including energy. The Essential Services Commission, I

think quite rightly, points out that retailers had no regulatory obligation to pay for the electricity that they take from these solar panels prior to 1 July, yet all of the companies chose to do the right thing and to pay for that electricity. However, there was no legal obligation on them to do that.

ESCOSA also points out that it has no role to be able to force electricity retailers to make these payments. It acknowledges that there is a financial benefit to the retailer in taking the electricity but not paying for it, but it was not able to specify exactly how much that benefit was. ESCOSA also pointed out to me that it understood that retailers were reviewing their decision to stop paying for this electricity. However, in the several months that I have been talking about this in the community, we have not yet seen much movement from the big retailers. So, in the absence of their reviewing their decision and doing the right thing, I think it is beholden on us as legislators to make them do the right thing. Clearly, the law is flawed and that is the loophole that I am seeking to plug.

The mechanics of the bill that I have introduced set out that the price that has to be paid to small generators—that is, these people with solar panels—should be made up of two components. The first component is that the retailer should purchase the electricity, and the second component is for the 44¢ legislated premium. The first payment (the payment for the electricity) that the householder or small business owner exports to the grid should be paid for by the electricity retailer. The 44¢ (the second component) is paid for by all electricity consumers.

The question that then arises is: what is a fair and reasonable price to require the retailers to pay to householders for the electricity that is produced? This question has been considered elsewhere. It was considered in Victoria by the Essential Services Commission of Victoria, which is that state's equivalent of our ESCOSA, and it has worked out what a fair and reasonable price is. In August last year the Victorian parliament included a provision in its equivalent of our Electricity Act that retailers had to pay a fair and reasonable price for the electricity that was fed into the grid from small producers. That provision started on 1 January this year.

When there was a dispute about what a fair and reasonable price was, the Essential Services Commission of Victoria was asked to determine what a fair and reasonable price was. It made the following determination, which was guided also by their relevant department of primary industries, which also provided guidance on the subject in March this year:

> An offer must specify that the retailer will pay or credit the customer for electricity supplied by the customer under a feed-in contract at a rate not less than the rate the customer pays to buy electricity from the retailer.

In other words, it specified a one-for-one arrangement: you pay them and they pay you the same price for the electricity. That is exactly the arrangement that existed before 1 July with both AGL and Origin. They were happy to pay that amount.

The Victorian government has recently released details of its new premium feed-in scheme, extending what is already in place in that state. Under that scheme, householders will be paid 60¢ a kilowatt hour under a net metering regime. Net metering is the system we use here in South Australia as well. Members will note that 60¢ is virtually identical to the proposal that I am putting forward now, which is 44¢ plus a payment for the electricity of approximately 16¢. This would bring us into line with what the Victorians have legislated to pay their small producers.

The Australian Capital Territory recently passed legislation implementing a 50¢ per kilowatt hour rate; however, they have used a gross metering method rather than net metering. That means that the financial return for households in the ACT will be much greater and, therefore, the payback period for their solar panels will be much shorter.

What my bill is doing is reflecting what is happening in other jurisdictions. I think it was great that South Australia was the first state to institute a feed-in scheme, but since then other states have moved on and overtaken us. We need to acknowledge that we did not get it quite right, that there is a loophole and that that loophole is being exploited.

At the time we debated the feed-in bill, I was critical of the fact that it was a net metering scheme rather than a gross metering scheme. That is still my position, but we will work with the scheme that we have. I would make the point that it is a less generous scheme and, therefore, we need to provide every fair and reasonable incentive to the owners of these panels to help them pay back the capital cost.

Currently, AGL and Origin are getting a free ride. They are expecting ordinary South Australian taxpayers to pay a feed-in premium, without paying any money themselves for the electricity that they then on-sell to other customers. I do not think that is fair. I think they should be

obliged to pay at least something for the electricity they are receiving. If it is good enough for them to pay for the electricity they receive from a large coal-fired power station—Starfish Hill or from some other large generator—then it should be good enough for them to pay for the electricity they receive from households and small business electricity generators.

The only question is: how much? I have gone for a very conservative model, and that is the one-for-one model. I should say that I have excluded from that model any of the fixed charges, so it does not take into account the supply charge to the house: it is purely the unit cost of electricity.

I think the electricity retailers know what they should be doing. I think they have misjudged the mood of their customers. They have misjudged the anger that is out there in the community. They felt that people would be happy enough with 44¢ and that they (the retailers) could get that electricity for free. I congratulate TRUenergy for doing the right thing, and through this bill will be requiring other retailers to do the right thing as well.

I think we do have a responsibility to fix up this law and to get it right. We need to provide proper incentives to our small businesses, community groups, churches and households that we said, in this place at the start of this year, should be able to benefit from the scheme. They should get all the money (not just two-thirds of it) to which they are entitled for having invested in these panels.

I certainly did not vote for a feed-in scheme that would allow energy retailers to pocket hundreds of thousands of dollars a year, at the same time that they were expecting the mums and dads and taxpayers to pay more on their electricity bills to subsidise the panels in the community. I did not vote for a scheme that required taxpayers to pay extra to help drive the uptake of solar technology, while some companies take the opportunity to make a windfall profit by no longer paying a cent for the electricity they receive from these small generators.

I think that most members here would be somewhat surprised to see how events have turned out. I do not think anyone here would have expected that we were voting for windfall profits for large companies when we supported the solar feed-in laws at the start of this year.

What I did vote for, and what I think many of us here voted for at the start of the year, was that we wanted all South Australians to help pay for greenhouse benefits and for reducing our state's greenhouse footprint. That includes requiring our energy companies to pay their fair share as well. I say that the free ride for these companies must come to an end, and I would urge all honourable members to support this bill.

Debate adjourned on motion of Hon. J. Gazzola.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: NATURAL BURIAL GROUNDS

Adjourned debate on motion of Hon. R.P. Wortley:

That the report of the committee on natural burial grounds be noted.

(Continued from 15 October 2008. Page 309.)

The Hon. J.M.A. LENSINK (16:57): I rise to briefly to make comment on the tabling of this report, which for a long time has been an interest of the member for Fisher, who was a member of the ERD Committee. This inquiry commenced before I became a member of that committee, and I am pleased that it has been able to provide a report. I will not dwell on it for long, but some of the most interesting aspects include some of the history in relation to burial and its development over the centuries in our community. We have almost come full circle to past practices.

I will quote from the actual report some of the comments that were provided as they would be of interest to many people in our community. The push for natural burial grounds, known as woodland burial grounds in the UK or green burial grounds in the US, arose from a movement which commenced in the United Kingdom and, according to the report, its proponents were concerned about the way death had become medicalised and removed from the everyday experience. That, in conjunction with environmental concerns, led to a push for more environmentally-friendly practices which were much more related to ways of the past rather than the way that has become more common.

Chapter 2 talks about the history of cemetery design. In medieval days in England the practices were that people would be buried in shallow graves in church grounds without coffins. In the 1600s and 1700s, because of the impact of the plague and other diseases such as cholera, the

capacity of church grounds was limited, and therefore a number of bodies were interred in common graves, which posed health risks to communities. At that stage cemeteries were developed with high walls with gates and coffins were then in vogue with heavy stone slabs over the graves, which was also a defence against the practice of grave robbing to supply bodies for medical science.

The next change in practice came in the 1800s in which—particularly in England and France—the approach was to build what they called necropolises (or cities of the dead), which were in large park-like settings. The 19th century also saw moves to locate cemeteries outside of crowded inner city areas, which would also provide opportunities for the increasingly urbanised communities to have some views of botanical gardens and breathing spaces. This has been the form in which cemeteries have developed in Australia.

In South Australia, in particular, in our early history of the settlement of the colony, there were a number of controversies in relation to the condition of some of our cemeteries: in particular, the role of particular denominations versus whether cemeteries should be under public management was an area of contention. Apparently there was a long period of delay in the government addressing the need for a new public cemetery, which eventually was established at Centennial Park in the 1930s. South Australia, we have been told, has been a leader in the establishment of cremation, which first commenced at the West Terrace Cemetery in 1903. This particular facility was funded not by the government but by a group of private citizens, and the desire to establish that facility arose again from public health concerns.

If I fast forward to current times, new technologies have become available. One is known as resomation, which involves dissolving corpses into a mixture of potassium hydroxide and water, which is heated to a high temperature. The product of that is a small amount of liquid and some calcium phosphate, which is the by-product of the bones and which can be crushed to a dust. We also have promession, which uses liquid nitrogen to freeze dry the body and reduces water content to about 1 per cent. The remains are then vibrated and transformed into a powder.

There have been some studies into the environmental footprint of the various forms of disposing of bodies and caution is urged in interpreting the results, but Centennial Park commissioned a report by GHD, in 2007, to examine cremation as opposed to burial. Apparently the greenhouse gas emissions from cremation are 0.16 tonnes per person, whereas a burial produces 0.039 tonnes. It then urges caution because the maintenance of burial sites in conventional cemeteries has an environmental footprint based on maintenance of the site, such as mowing of the lawns and maintaining gardens. Natural decomposition of a body is much more environmentally friendly and, therefore, this report provides us with information about a process which is far more likely to have a much lower footprint than either burial or cremation.

I note that recently the Minister for Urban Development and Planning has supported the establishment of South Australia's first natural burial ground at Enfield. That is, indeed, a site that the committee visited to discuss with them their plans to establish a natural burial ground there, and I think that is to be welcomed. Also recently (on radio this morning, in fact) there was some discussion about using part of Glenthorne Farm for a natural burial ground. Arguments have been raised against that—and, if I can find the quote, it is somewhat amusing—including, from an NRM point of view (and this is quite understandable), that, if you add bodies to an area, you increase the nutrient load of the soil.

It was stated on ABC Radio this morning that there was a general concern that school groups and so forth would probably find it just a little bit uncomfortable having a natural burial ground right near where they are actually doing some of this work, which is revegetation work, so that is understandable. I think that part of the underlying message of this report is that we have become removed from what was, in past days, a natural process whereby death is part of life. I think that we probably need to revert to some of that thought process in this day and age, instead of making everything clinical and having it that far removed from us that we do not accept death as a part of life. With those brief remarks I endorse the report to this chamber.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. R.P. Wortley:

That the report of the committee 2007-08 be noted.

(Continued from 15 October 2008. Page 309.)

The Hon. C.V. SCHAEFER (17:06): I rise to very briefly support the words of the Hon. Russell Wortley. I, too, serve on the Natural Resources Committee. This is the committee's annual report. I think it is, by far, the most cooperative standing committee that I have served on in this parliament. Every issue that we have looked at, I think, has been looked at without party political bias and, although we do not always agree, we have always managed to reach a compromise decision. I believe that, if all committees worked in the same way, we would be getting much closer to the original idea of conducting standing committees within the British parliamentary system and the concept thereof.

I want to publicly thank our two staff members, Knut Cudarans and Patrick Dupont, our research officer, both of whom have done a great job. Patrick, in particular, has written some excellent reports for us. We are beginning to gain a reputation as a widely travelled committee. Given that one of our watching briefs is the River Murray, we have taken the time to travel across the extent of the Murray-Darling Basin (we have one more section to go), and I think that has given us a more balanced view of some of the problems that exist from one end of the Murray-Darling Basin to the other, and I will address this issue when I speak on the water bill tonight.

The over-simplification that the South Australian press and, indeed, many of our members of parliament have chosen to run with does them no great honour, in my view. I think that our committee, in its watching brief, has done an excellent job, and the committee intends working towards a better understanding of the whole Murray-Darling Basin system and, of course, how that then affects our state in particular.

I thank my other committee members for their participation. As I have said, it is a very hardworking committee. We meet virtually every week, and we have travelled extensively. We are very ably chaired by the Mr John Rau. We also have the watching brief over the natural resources management boards and their budgets. There is quite a lot of work to do in assessing the work of those boards, and we have been very pleased with their work. Many times we have been astonished by the size of the budget they appear to require to set up yet another mini bureaucracy. Both times we have reported that without fear or favour in a non-partisan way. I commend the report.

Motion carried.

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 October 2008. Page 322.)

The Hon. J.A. DARLEY (17:12): I rise to support the bill, as proposed by the Hon. Mr Ridgway. I think this bill is a step in the right direction in terms of discouraging smoking, ensuring public comfort and safety, and addressing the environmental problems caused by cigarette butts.

A report commissioned by the federal Department of Health and Ageing revealed that, in 2004-05, tobacco cost Australians $31.5 billion, which takes into account the loss of life, health care costs, and reduced ability to participate in the home and workplace. This bill provides an important opportunity for councils to take further steps in restricting the opportunities for smoking tobacco and discouraging something that has been a significant cost to the community.

I have a number of concerns in relation to the practical operation of the bill that I would like to put on the record, and I would be grateful if the opposition would provide a response. First, I query whether a phase-in period is envisaged to give people time to be forewarned that bans in certain public places will apply, so that they are not caught unawares. I would have thought that the bill will provide for a phase-in period to allow councils to engage in a community information program about how they will signpost areas that are smoke free and indicate what the penalties will be if people are in breach of these provisions.

I note that there was a three-year phase-in period when legislation was passed banning smoking in hotels and the casino. Whilst I do not propose that there be such a long period before the bans are put in place, I wonder whether there has been any consultation as to when these bans may be effected if this bill is passed. Following on from that point, I wonder whether a warning system has been considered before the issue of fines and expiation notices and whether this would be envisaged as part of the phase-in period. I am sceptical of councils being involved in any scheme that allows them to collect money, as they seem to treat such matters as a revenue-raising exercise rather than a legitimate preventative measure, and I raise the point that council resources may not be sufficient to give effect to the bill's provisions.

I also query whether councils really have the resources to police this measure and what the associated costs might be. I do not see the point in having a law that will just sit on the statute book if there are not sufficient resources to police this matter. With those few queries, I support the bill.

The Hon. J.M. GAZZOLA: Mr President, I draw your attention to the state of the council.

A quorum having been formed :

The PRESIDENT: I call the Hon. Sandra Kanck.

The Hon. SANDRA KANCK (17:16): The Democrats are pleased to support this public health initiative. We consider it to be an extension of our smoke-free zones bill, which was first introduced back in 2005, I think. The Democrats have been at the forefront of anti-smoking legislation in South Australia. We began dealing with legislation, I think, as early as 1983. More recently, we suggested the ban on smoking in cars with kids and we successfully amended (with the help of the opposition) one of the government's tobacco bills so that it has now become illegal to advertise the sale of tobacco with grocery supplies over the Internet.

In terms of dealing with the Hon. Mr Ridgway's bill, the tram stops that we have in our city are frequently congested platforms. For me, it raises some questions as to why smokers should be able to take up space puffing away in a cloud of chemicals that others have to breathe in. It is a failing of the current government that it did not take the opportunity, when the tram extension was built, to protect commuters from tobacco smoke on tram platforms.

It is also timely to mention the Christmas Pageant which, for a number of years, the Democrats have been pushing to have declared as a clean air zone. Families with young children sit patiently waiting for the parade to begin; some of them are there hours ahead of time in order to get a good vantage point. Why should they be subjected to someone's tobacco smoke? It is an event which is aimed at children. Father Christmas sometimes has to hold his breath as he comes along part of the pageant route.

The Hon. David Ridgway said that he could hardly believe that tougher controls would have a negative effect on tourism. I think it would be an absolute positive if we could promote the City of Adelaide as a smoke-free zone in its entirety. We could become a clean air friendly city and (to paraphrase some Norwegian advertising) we could say, 'Welcome to Adelaide. The only thing we smoke here are tommy ruffs'—or Australian herring, if we want to use the new name.

I have pushed for the idea of clean air ramps as being a way of making buildings accessible to people for whom chemicals, such as those from cigarettes, form a barrier to the safe entry of buildings. Just as we accept a building code which includes accessibility for people with a disability as the norm, so should we provide a pathway of clean air to allow safe passage for chronic asthmatics and people who are sensitive to chemicals.

Last year, in an effort to counter the government's consistent bleatings that local rather than state government should involve itself with tobacco control measures, I wrote to councils across the state, and 19 of them responded. Many of them thought that it was not their position to take this on, but some of them had already done so. In fact, Prospect council is a leader in creating safe clean air playgrounds for children but they are the exception in this state rather than the rule. Generally, South Australia lags behind other states now in relation to tobacco law reform.

I have sought comment from the Local Government Association about the current situation and its preferred way to proceed with tobacco control measures, but I have not yet heard back from that association. Whenever bans are brought in there is a reaction from predictable political sources, but the broader public have adapted well to current regulations. A ban on smoking in public in South Australia would allow non-smokers more freedom, especially in the city where workers now smoke outside their buildings. If one walks down Rundle Mall it can be a walk into the Winnie blue yonder.

Tobacco smoking represents the largest single contributor to preventable disease in Australia. Effectively, controlling environmental tobacco smoke is a public health measure which should have been dealt with last century. In the absence of decent state laws to provide clean air zones, I indicate strong support for this important initiative.

Debate adjourned on motion of Hon. J.M. Gazzola.

SELECT COMMITTEE ON PROPOSED SALE AND REDEVELOPMENT OF THE GLENSIDE HOSPITAL SITE

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the interim report of the select committee be noted.

(Continued from 24 September 2008. Page 171.)

The Hon. J.M.A. LENSINK (17:22): As a member of the select committee, I rise to endorse this interim report which makes the recommendation that it would be very timely at this point in the reform of our mental health system to establish a mental health centre of excellence. I think this was actually a suggestion by the Hon. Sandra Kanck, who also is a member of this committee. The recommendation emerged during evidence from the discipline of psychiatrists, in particular—the Royal College of Psychiatrists—and also Professor Bob Goldney, a pre-eminent psychiatrist from the University of Adelaide.

Both stakeholders recommended that, because South Australia is the only mainland state that does not have a dedicated mental health research centre, this would be a good opportunity to bring together the range of divergent institutions in South Australia, including mental health nursing, psychiatry, psychology and the universities, to provide that critical mass.

The committee heard evidence that the data gathered within the mental health system is often not collated in any meaningful way, so it is difficult to detect trends. Given the importance of an evidence base to guide the policymakers of this state regarding our recommendations in parliament, we agreed that this issue was of such importance that we should make this recommendation. So, with those brief words, I endorse the interim report of the select committee and encourage other members to do so.

Debate adjourned on motion of Hon. J.M. Gazzola.

TEACHERS REGISTRATION BOARD

Adjourned debate on motion of Hon. J.A. Darley:

That the Statutory Authorities Review Committee inquire into and report on the effectiveness of the Teachers Registration Board in the exercise of its functions and powers with respect to:

1. The welfare and best interests of children as its primary consideration in the performance of its functions;

2. The manner and process by which it ensures that a teacher registration system and professional standards are maintained to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of the children;

3. The composition of the board;

4. The manner and process by which evidence is gathered and presented to the board, including the representation of parties to proceedings;

5. The relationship between the Department for Education and Children's Services and the board; and

6. Any other relevant matters.

(Continued from 24 September 2008. Page 175.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:25): I rise on behalf of the opposition to support the motion that the Statutory Authorities Review Committee inquire into and report on the effectiveness of the Teachers Registration Board in the exercise of its functions and powers with respect to:

1. The welfare and best interests of children as its primary consideration in the performance of its functions;

2. The manner and process by which it ensures that a teacher registration system and professional standards are maintained to safeguard the public interest in there being a teaching profession whose members are competent educators and fit the proper persons to have the care of the children;

3. The composition of the board;

4. The manner and process by which evidence is gathered and presented to the board, including the presentation of parties to proceedings—

The Hon. B.V. Finnigan interjecting:

The Hon. D.W. RIDGWAY: Well, I would like to read it out, thank you, the Hon. Bernard Finnigan.

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: Thank you very much for your protection, Mr President. I will continue:

5. The relationship between the Department for Education and Children's Services and the board; and

6. Any other relevant matters.

The reason I read that out is that it is the actual motion, and I wish to address most of the issues raised during this contribution; in particular, the issues that I am sure would be at the heart of the Hon. Bernard Finnigan.

Perhaps we might talk about paragraph 3, the composition of the board. It is interesting to note that the act mandates that the board comprise 16 people: half must be teachers, of which seven must be union members. I can see why the Hon. Mr Finnigan is interested in this because, at this point in time, it is heavily weighted in favour of the unions and heavily weighted against the welfare of the children taught by our teachers. Continuing with the composition: two must be employees of the state government education department, one must be an employee of the state government Children's Services Department, one must be from the Catholic Schools Association, one from the Independent Schools Association, one must be a lawyer appointed by the minister, one must be the chair appointed by the minister, one must be employed by the universities in the field of teacher education—

Members interjecting:

The Hon. D.W. RIDGWAY: Mr President, they are not even interested. I ask you to protect me from these buffoons on the other side.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: And one must be a parent of a school student, appointed by the minister to represent the community interest. I note that the South Australian Association of State Schools has made an interesting submission to members of this chamber in relation to this matter. It states:

- On a board responsible for the welfare of the state's children, to have only one of 16 members appointed to 'represent the community interest' is wholly insufficient; given that the parents of South Australia are entrusting their children's welfare to this board.

It goes on to state:

- On a board responsible for overseeing the conduct of teachers, to have at least half the members be teachers, is inappropriate.
- On a board, in a country with voluntary unionism, to mandate that only union members are suitable to hold teacher positions is antiquated and relegates non-union teachers to a second-class standing.
- On a board responsible for independent investigations of breaches committed by DECS employees, to have the majority of members be DECS employees is unacceptable.
- On a board responsible for independent enforcement of the act, to have 11 members either in the employ of, or appointed by the government of the day, is—
- not fit and proper—
- On a board responsible for ensuring the welfare of children, for only one member to be a parent—is tokenism.

We can see some serious deficiencies in our modern society in the actual composition of the board, which this inquiry will address. I will not take up too much more time, but I want to highlight some, though not all, of the other points made in this submission in relation to the functions of the Teachers Registration Board. The board is required to confer and collaborate with authorities in New Zealand; it is interesting that the board must share information with authorities in New Zealand but not with parents, parents' associations, or the public—or, in fact, the parliament of this state.

There were a couple of other points raised by the submission, including the point that the board may call a committee to inquire into possible breaches by teachers. The only required members of such a committee are to be a legal practitioner and a teacher; no parent or representative of the community of interest is required to inquire into an offence committed by a teacher. The submission also goes on to say that the Teachers Registration Board is required to submit an annual report, which must be tabled in both houses of parliament; however, it says that there is no requirement for the annual report to cover the process or activities of the board or to report on any revision of standards or complaints received, inquiries held or outcomes of any investigations.

There is also a couple of other matters I want to mention. The board is required to keep a register of teachers, including records of any offences and actions against the teachers; however, there is no requirement for this register, or any report concerning teachers guilty of offences, to be available to anyone other than the members of the board. Another point made is that the registrar is required to inform certain people and groups of the commencement of an inquiry and the outcome of it. The Catholic and Independent Schools Association, the chief executive of DECS, and the relevant authorities in New Zealand must be informed while parents, the parliament and the people of our own state are ignored.

The principles governing the proceedings of the board are not bound by any rules of evidence. It may make its own motion, hold any proceedings in private, and may develop its own procedures. The submission suggests that the board is not required to adhere to any rules or follow any accepted procedures. It may conduct all proceedings in secret, with no justification as to why, and may develop its own procedures in addition to this complete lack of accountability. There is no requirement for the board to inform anyone as to which rules and processes it employs.

Clearly, the Hon. Mr Darley's motion to refer this matter to the Statutory Authorities Review Committee follows on from the Hon. Nick Xenophon's range of questions in relation to activities that occurred at a school in Mount Gambier prior to his departure from this chamber. With the submission that has been made to members, and with the opposition also having done a considerable amount of research, we see that this is an appropriate inquiry, and have much pleasure in supporting the Hon. Mr Darley's motion.

The Hon. R.P. WORTLEY (17:34): I would like to read from the Hon. Mr Darley's contribution before I go to the issues—

The Hon. S.G. Wade: It's already in *Hansard*.

The Hon. R.P. WORTLEY: What is going on? The Hon. Mr Darley said:

> This motion was first introduced on 26 September 2007 by the Hon. Nick Xenophon in response to allegations of improper conduct by a teacher at a school in Mount Gambier. These allegations were reported and investigated by the Teachers Registration Board, but parents expressed concerns about the way in which the investigation was conducted and how the board dealt with evidence, especially from children and parents who were affected.

I would like to go into the actual issue down at Mount Gambier at that time, which arose in response to a letter dated 5 September 2004 addressed generally to members of parliament and concerned parents from Wendy Utting, director of Child Protection Watchdog Incorporated. I do not know what sort of organisation that is, but the letter was entitled, 'Abuse allegations dismissed by Teachers Registration Board'. It lists a range of serious and potentially defamatory allegations made against the Teachers Registration Board and other organisations and individuals.

The issues referred to in the letter were subject to an extensive investigation over two years by a number of agencies, including SA Police, the Police Complaints Authority, Child Protection Services, Flinders Medical Centre, the Department of Family, Community and Youth Services, the Teachers Registration Board and others. Aspects of the matter were also raised in parliament and through the media channels TEN News and *The Advertiser* of 7 January 2005.

The issues relate to complaints from several parents regarding the alleged conduct of a teacher (I will not mention the teacher's name or the school, in the interests of natural justice) and the outcome of an internal school investigation. Parents, over a period of time, approached a number of agencies—

Members interjecting:

The Hon. R.P. WORTLEY: I beg your pardon; this is a very serious issue. It warrants a little respect from the opposition.

The PRESIDENT: Order! Once you become an interjector you sometimes have to suffer the consequences of those interjecting against you, Mr Wortley. You have the floor.

The Hon. R.P. WORTLEY: Thank you, Mr President. Over a period of time parents approached a number of agencies and individuals, including parliamentarians, to intervene, as they were not satisfied with the outcome of investigations at the school or government agency level. Early in 2003 the registrar of the Teachers Registration Board received written complaints from these parents regarding the alleged conduct of the teacher. In their view they had exhausted all other avenues, and requested that the teacher be immediately deregistered.

A prolonged and comprehensive investigation was undertaken by the registrar, the Crown Solicitor's Office, and the government investigation unit. Formal statements were taken from a number of parties, including parents, senior clinical psychologists at Flinders Medical Centre, teachers and others. Based on the information gained through documentation and interview, the Crown Solicitor's Office provided the final written advice to the registrar, and a summary was presented to the board to determine whether or not to proceed with an inquiry. From the outset it was also acknowledged that it would be difficult to prove the allegations, and it would ultimately depend on how the evidence came out during the inquiry regarding what had actually transpired in the classroom. The teacher denied any intent of disgraceful or improper conduct.

The board was assisted by Ms Jenny Olsson of the Crown Solicitor's Office, and the teacher was represented by legal counsel. The board sat in a quasi-judicial role over eight days, commencing 1 June 2004 and concluding on 16 November 2004. The board, consisting of nine members including the chairperson, called seven witnesses. Witnesses were called based on their ability to provide relevant information to the matter and not because they wanted to comment on or had an interest in the matter.

Not all persons interviewed by the government investigator on behalf of the registrar were called as witnesses. The whole inquiry produced 800 pages of transcript. After consideration, the board resolved that the evidence was not sufficient to satisfy the board on the balance of probabilities as to the allegations set out in the notice of the inquiry dated 11 March 2004. The written reasons for the decision were ratified and a copy was sent to the legal representatives of the teacher.

It is always difficult to prove such allegations. These are terrible and serious allegations, but they are always difficult to prove for the following reasons: the majority of the evidence was based on hearsay; the age and vulnerability of the children; the passage of time since the alleged incidents occurred; the potential for contamination of evidence, particularly as a range of agencies had already been involved and determined their own findings; and the intensive ongoing discussions between parents had the effect of tainting the evidence and making it all the more difficult to prove.

Ms Utting also made allegations against the principal on the way the matter was reported, but I understand that there was clear evidence that the principal reported the matter to the appropriate authorities within a reasonable time frame. A range of allegations in relation to this matter had been investigated by a number of agencies, including the Police Complaints Authority, in respect of the local police investigation. Based on the evidence available, no charges were laid.

The government opposes this motion, and I will outline the reasons why, and then I will go through the five points of the Hon. Mr Darley's motion. If this statutory review proceeds, it should be noted that it will occupy a significant degree of resources from the Teachers Registration Board. It is also worth pointing out that the body is funded solely by teachers, with legal and other associated costs to be met from the existing resources of the board. The Teachers Registration and Standards Act 2004 has been in operation for only three years since its proclamation in 2005. When introduced in parliament, it received the full support of the Liberal opposition. As the legislation is just a few years old, there are some matters that are still a work in progress. A five-year period would be a more reasonable time frame.

I also acknowledge that some members associated with the South Australian Association of State School Organisations believe that the alleged events in Mount Gambier in 2002 should be the basis for the review. As the matter has been subject to numerous investigations and showed the Teachers Registration Board to have acted appropriately, it should not pre-empt the review before all the reforms are enacted and properly evaluated.

I will go through the five points made out in the Hon. Mr Darley's motion. As to the welfare and best interests of children as its primary consideration in the performance of its functions, the following should be considered:

- the safety and wellbeing of children is considered in all decisions made by the board, and this has always been the case;
- the Teachers Registration Board operates on a peer model, rather than a policing model, which is subsequently undertaken by the courts;
- the board was not established as a child protection authority: it is a teacher's regulatory authority which supports the protection of children and recognises the professionalism of teachers who work with children and young people in both the government and non-government sectors;
- the legislation enables the Teachers Registration Board to monitor and assess the fitness of applicants seeking and renewing registration;
- the legislation strikes a fair balance between the protection of children and procedural fairness in relation to the regulation of teachers.

The second term of reference relates to 'the manner and process by which the board ensures that a teacher registration system and professional standards are maintained to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of children'. The new legislation provides for the following:

- rigorous measures and capacity for the Teachers Registration Board to ensure quality and fitness-to-teach standards in line with nationally agreed principles and guidelines;
- enhances the ability of the board to screen, monitor and make decisions on the suitability of teachers to work with children in school environments;
- enables the board to impose preconditions on an application for registration and subsequent conditions on registration;
- provides authority to undertake investigations and apply disciplinary actions where appropriate, following an open and transparent inquiry. The board has the capacity to reprimand, fine and impose conditions, suspend, cancel or disqualify from registration;
- enhances provision for the sharing of critical information between the board, employers and all schooling sectors, the police, the DPP, the Australian and New Zealand teacher regulatory bodies to stop the movement of child abusers between schools and across borders.

Since 2005, the board has established protocols with employers, South Australia Police, the Director of Public Prosecutions, and other teacher regulatory authorities in Australia and New Zealand and brought in a mandatory notification training requirement and criminal record checks on application and renewal of registration. It has also established subcommittees of the board with delegated power to conduct disciplinary hearings in relation to an expanded definition of unprofessional conduct and with an increasing range of sanctions.

It has established subcommittees of the board with designated powers to conduct admissions and incapacity hearings regarding entry to or continuation of registration. The board has developed a code of ethics and professional teaching standards for graduate and provisional registration which align to a national framework. It has developed an integrated computerised data management system to assist the increased monitoring and screening functions required by the new act. It has also gained membership of the Australian Teacher Regulatory Authorities. This ensures consistency to develop professional standards for registration and enabled the exchange of appropriate information between states.

The third paragraph of the motion deals with the composition of the board. Section 9 of the act provides for the composition of the board as follows:

- three nominees from DECS;
- one Association of Independent Schools of South Australia;
- one Catholic Education Office;

- one university of the state;
- five Australian Education Union;

I know members opposite have a problem with union people on the boards, but probably only 80 per cent of teachers are members of the union. You only have to look at the way the Howard government treated unions during its 10 years: they were basically isolated and had no input on very important boards because the government did not want union members on those boards. It would be quite unfair, where maybe 20 per cent—I am not sure of the actual numbers, but I know they have a very high membership—

The Hon. A. Bressington interjecting:

The Hon. R.P. WORTLEY: I am staggered that on such an important issue I get interjections from the Hon. Ms Bressington. Unless they actually have it in the legislation to protect unionists, what would happen is that members opposite would have no member of the union. They would look at the 20 per cent of non-members and make sure that every member of the board was not a union member. Considering the fact—

The Hon. A. Bressington interjecting:

The Hon. R.P. WORTLEY: I am still staggered. We are talking on such an important issue. During these sorts of issues I have never interjected while you were speaking.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Listen to what I am saying. Get your finger out of your ear. During these sorts of issues that are so important and so critical, I think it deserves a little bit of respect from the cross-bench.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bressington will cease interjecting and the Hon. Mr Wortley will stagger on.

The Hon. R.P. WORTLEY: Five Australian—

The Hon. T.J. Stephens interjecting:

The Hon. R.P. WORTLEY: Listen, mate, one thing I can guarantee—unlike some members opposite—is that you will never find me intoxicated in this chamber. That is a fact of life. So, do not make comments about having drinks at lunch time, or else every time I see someone opposite trip over their feet I will start making the same comment. If you want to start carrying on, I have no problem with it.

The Hon. J.S.L. DAWKINS: I rise on a point of order. The member has been here long enough to know that he needs to address his remarks through the chair.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley—

The Hon. T.J. STEPHENS: I rise on a point of order. The honourable member should know it is rude to point. He should keep his horrible little paws to himself.

The PRESIDENT: Order! There is no point of order. The Hon. Mr Wortley should cease taking notice of out of order interjections and cease responding to them.

The Hon. R.P. WORTLEY: The composition of the board is as follows:

- five Australian Education Union members;
- two Independent Education Union members;
- one parent of a school age student—representing the community, not a parent organisation—nominated by the minister;
- one legal practitioner, nominated by the minister; and
- one independent chairperson, nominated by the minister.

That is a broad range of the education community, and I think it is an absolute affront to the union movement that there are such strong objections from those opposite to the fact that seven of the members have to be unionists.

Public consultation indicated overwhelming support for the act. Detailed and valuable input was received from teachers, community members and organisations, parent and professional organisations, the Catholic Education Office, the Association of Independent Schools of South Australia, the Independent Education Union, the Australian Education Union and the previous Teachers Registration board.

The fourth point is: the manner by which evidence is gathered and presented to the board, including the representation of parties to proceedings. The establishment of an investigations unit consisting of three experienced investigations officers and a paralegal supported by officers of the Crown Solicitor's Office, the establishment of protocols with teacher employers, SAPOL, DPP and other teaching regulatory authorities in Australia to report certain information, and teachers are required to report changes and convictions and dismissals or resignations in lieu of disciplinary action.

The act confers on the Registrar an independent statutory role as complainant. The Registrar is required to investigate complaints or concerns and to exercise prosecutorial discretion. As such, the Registrar must act independently of the board and is not directed by the board in respect to the conduct of a specific case. The Registrar may conduct an investigation and has the power to issue an authority pursuant to section 34 of the act to require documentation, respond to questions and attendance at an interview.

The board has the power to issue a summons. The Registrar can require an employer or teacher to provide information relating to the teacher or the teacher's employment (under section 27 of the act). The principles of natural justice and adherence to confidentiality are an integral part of any such process. There is a right of appeal against any decision of the board.

The Crown Solicitor's Office assists the Registrar in determining whether or not a complaint should be put before the board and prepares the legal documentation. The Crown Solicitor's Office represents the Registrar and parties at the disciplinary hearing. The respondent has the right to be legally represented and call witnesses. The board acts in a quasi-judicial manner and determines, after hearing all evidence, whether or not, on the balance of probabilities, the conduct warrants disciplinary action.

The Registrar must give notice of an inquiry to employers and other teacher regulatory authorities and notify the outcome of the inquiry when completed. All proceedings are transcribed and reasons for decisions produced. A brief summary of the outcomes are published in the newsletter and annual report. Work is currently underway to publish a precis of a hearing on the website.

There is a clear distinction between the role of the Registrar and investigations officers and that of the board who make the determination after hearing the matter. The legislation provides for the rights of all concerned (under section 42). Principles of natural justice and administrative law are strictly adhered to. The legislation in relation to this issue reflects similar legislation applicable to other professional regulatory authorities, for example, nurses.

The purpose of an inquiry is not to punish the respondent; it is to protect the public interest. This distinguishes proceedings from that of a civil or criminal nature.

The last point is the relationship between the Department of Education and Children's Services (DECS) and the board. DECS is an employer of teachers and, together with other employers in the non-government sector, must comply with the provisions of the act. Employers are required to report certain matters to the board; for example, resignation of a teacher in lieu of dismissal for unprofessional conduct, and provide a written report if a practising teacher's capacity to teach is impaired by illness or disability. DECS is required under section 34 of the act to provide the registrar with information relevant to an investigation under part 7 of the act. The government appoints the registrar, who must be a member of the Public Service. The registrar directly reports to the presiding member and the board. The board is an independent statutory authority and a body corporate. It has the ability to appoint its own staff and has initiated preliminary discussion into the employment of staff.

Historically the Department of Education and Children's Services has been the administrative unit assisting the minister in the administration of the legislation. Since 1976 staff of

the Teachers' Registration Board have been on loan from DECS and either members of the Public Service or seconded teachers. As such the Chief Executive Officer of DECS currently employs the staff of the board. However, under the Teachers Registration and Standards Act 2004 the registrar of the board manages the staff and resources of the board at an operational level. Staff are accountable to and managed by the registrar and not DECS. The chief executive officer of DECS does not have a direct role in the functions, role or responsibilities of the board. There are three nominees from the Department of Education and Children's Services appointed to the board by the Governor.

We believe everything that could be done has been done in regard to this matter. We also believe that, as the act has only been in operation for three years, it would be much more appropriate to wait for five years before a review is held. I seek the support of members in opposing the motion.

The Hon. J.A. DARLEY (17:55): I thank members for their contribution. I am disappointed that the government is unable to support this motion. However, I remind the Hon. Mr Wortley that SAASSO supports this motion. It is aimed at reviewing the functions of the Teachers Registration Board and, in particular, having the best interests of children as its primary consideration. A number of allegations have been raised with my office regarding the process of investigation conducted by the board relating to allegations against the teacher in Mount Gambier. Parents who approached my office were concerned that the board did not have access to all possible information and that the procedures regarding the calling of witnesses and considering evidence from children were inadequate.

I am not here to pass judgment on the correctness or otherwise of the allegations in that particular case. However, issues of process are worthy of investigation, especially where children are concerned. We hear every day about the importance of having good teachers in our schools and the very significant influence they wield over young lives. Often what happens to children in school, both good and bad, has a significant impact on the people they become as adults. I think that this inquiry is worthy and timely, and I commend the motion to the council.

Motion carried.

SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL

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

[Sitting suspended from 17:57 to 19:47]

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 September 2008. Page 189.)

The Hon. R.D. LAWSON (19:46): The subject of piercing, tattooing and the like has been considered on a number of occasions in this parliament. The member for Enfield (John Rau) introduced a bill—it must have been before 2005—

An honourable member interjecting:

The Hon. R.D. LAWSON: It was 2002, the honourable member reminds me. That bill sought to change the regime in relation to tattoos and piercing. There were extensive amendments proposed to it, involving issues about whether or not tattooists should be licensed; whether or not there ought to be health requirements, for example, a code of practice governing the operations of tattooists and those engaged in piercing; and there was an extensive report of a select committee that was presented to both houses in October 2005.

The honourable member's bill is of fairly narrow compass. It introduces the notion of scarification, which is not defined, but which is said to include branding. The Liberal Party has consistently supported measures to improve consumer protection in relation to tattooing, although we have always had some reservations about those who seek to impose unnecessary restrictions and legislative requirements on the activities of small businesses. I do recall that, following the original proposals from Mr John Rau, I had a number of discussions with people engaged in businesses in the tattooing industry and many of those people were not happy with the

amendments then proposed, on the basis that they did not take into account the way in which they might affect businesses. Some of the measures then proposed were cooling off type provisions, provisions which said that, whatever age you were, if you wished to order a tattoo, you had to give two clear days prior notice of the fact, the design had to be selected, etc. It seemed to us that some of those restrictions were unnecessarily restrictive.

Members of the Liberal Party strongly adhere to the view that individuals in our community should be free to make choices, choices about whether they decorate their body with tattoos or piercings, or the like. However, we do appreciate and support the need for measures which will protect minors from engaging in conduct which they might later regret. However, our fundamental philosophy is that, if an adult wishes to have a piercing, wherever that piercing might be on his or her body, or if an adult wishes to have a tattoo, however ugly or unsightly that might appear to some eyes, an adult should be free to do so. Much of the opposition to tattooing and piercing comes from an older generation who themselves would never consider having a tattoo, let alone undergoing piercing of any of their body parts. However, it is undoubtedly true that this form of personal decoration has become popular amongst certain sections of the community in recent years; in fact, it is becoming increasingly popular.

Once again, our fundamental philosophical position is that, if adults wish to engage in these practices, they ought be permitted to do so. Of course, there is a public interest in the avoidance of injury and disease, and if it were established that tattooists were engaging in practices which undermined public health, then there would be a public interest, because, ultimately, it is the public that would have to bear the costs of remedying the effects of dangerous practices. However, the honourable member's bill does not seek to go down the route followed previously by Mr Rau. His bill is relatively simple. As I say, it extends the definition of tattooing to include scarification, scarification itself not being defined.

The essential provision is proposed new section 21B of the Summary Offences Act, which is sought to be inserted. Section 21A of the Summary Offences Act already provides that minors under the age of 18 cannot be tattooed. The honourable member's new provision provides that a person must not pierce any part of the body of a minor unless the minor is actually accompanied by a parent or guardian and the parent or guardian consents to the piercing of the minor's body. I would ask the mover to identify the particular problem that has been identified and the number of occasions when it is suggested that minors have been adversely affected by undergoing some form of piercing or tattooing without parental consent.

The most common form of piercing is, of course, ear-piercing. Ear-piercing is a cultural practice that has been part of a number of cultures, including Australian culture, for very many years. The idea that a young woman of 17 years and 10 months be required to have her mother with her when she underwent a piercing of her ears seems to us, on the face of it, to be unduly restrictive.

From my own knowledge, which I must confess is not extensive in this field, one sees, certainly amongst certain sections of the community, very young girls having their ears pierced; for example, girls under the age of 10. Presumably, that is done in the presence of and with the consent of her parents, as it undoubtedly should be. But for girls in their middle teen years, I would have thought the necessity to have a parent present when a piercing was undertaken was unduly restrictive, and I will be very interested to hear the honourable member's comments on that. For example, why could not parental consent be provided by way of a written document? I would have thought that many teenage girls would want to go to a piercer with some of their friends and that it would be an enjoyable, social occasion, one which poses no particular social or other harm. It is difficult to see why we should be extending legislative protection that far. So, I will be very interested to hear what the honourable member has to say in relation to that particular aspect.

I think this particular provision could reasonably be amended (I am not currently suggesting such an amendment, because I do not have the authority of the Liberal Party room to do so) to give a greater latitude, for example, in relation to ear-piercing, which is not the sort of piercing, tattooing or scarifying that has really agitated so much public concern. I accept that parental consent to some of the more extreme forms of body piercing might well be appropriate.

With those few comments, I indicate that we support the second reading of the bill. I look forward to the honourable member responding in due course and to the committee stage of the bill next week. Depending, of course, on any suggestions made by the honourable member, I will be able to indicate by the committee stage of the debate whether or not amendments are proposed.

The Hon. M. PARNELL (19:58): This bill seeks to outlaw body piercing of minors without parental consent. The bill provides that a person must not perform body piercing, including ear-piercing, on a minor (being a person under the age of 18 years), unless that minor is accompanied by a parent or guardian and the parent or guardian consents to the piercing. The bill makes it a criminal offence for a person to perform the piercing process. It does not make it an offence for a young person to seek or to undergo piercing.

This bill raises a number of important issues about the rights of young people and their parents and the role of the law in regulating personal behaviour. I believe that the bill is unnecessary for a number of reasons, and I also believe that it is disproportionate and inconsistent with other legislative provisions in this state.

I think it is disproportionate when we consider the rights and responsibilities and the various ages of consent more generally for young people in our society. We have a range of different ages below which we outlaw certain behaviour. For example, a person needs to be 18 to buy alcohol or cigarettes, but 17 year olds can join the army. Seventeen year olds can engage in consensual sexual activity, using their judgment, not the judgment of their parents. We allow 16 year olds to drive cars and motorcycles without their parents' consent, provided they have a licence, and I would suggest that this is an activity far more dangerous than having your ears pierced. Members would rightly point out that this bill includes all manner of body piercing, not just ear-piercing. Certainly, piercing has become much more popular in recent years, and the parts of the body subjected to piercing is virtually unlimited—

The Hon. R.D. Lawson interjecting:

The Hon. M. PARNELL: —or limited only by the imagination of those who seek to have it done. No doubt some members might want to impose their own personal values upon the merits or otherwise of piercing. I note that there are no nose rings or eyebrow rings evident in the chamber. I have no idea—and I do not particularly want to know—what other piercings honourable members might have beneath their clothing. This bill is not about what we might think of the merits or otherwise of piercing; it is really about whether young people under the age of 18 have rights over their own bodies or whether their bodies are effectively under the control of their parents.

As a parent myself of three teenage children I do have views on how I think my children should behave and even what I think they should or should not do with their bodies and their lives. However, I do not need the help of the law to impart those values and views. Consequently, I will not be supporting this bill.

The Hon. R.I. LUCAS (20:01): I have been moved to speak by the eloquence of my colleague, the Hon. Mr Lawson, and I will speak briefly. I support the position that the Hon. Mr Lawson has put, that is, we are supporting the bill at the second reading. I also share the concerns, which I think he was expressing on behalf of a number of us, in relation to the specific issue of ear-piercing. In particular, the Hon. Mr Lawson talked about young women, but it would equally apply to young men these days in terms of being required at 17 years and 10 months, as he indicated, to have mum or dad go with them to have their ear pierced.

The Hon. B.V. Finnigan: Were you a bit of a rebel, Rob?

The Hon. R.I. LUCAS: No, I wasn't, sadly, Mr Finnigan. I would have thought that there are a number of options that the committee should explore in relation to the issue of the piercing. I would have thought that most members of the community would treat ear-piercing differently to various other forms of piercing, some of which would bring tears to your eyes with just the mere discussion of them.

I would have thought that there ought to be consideration of separating them out. One approach would be to have either specific provisions for ear-piercing or reducing the ear-piercing parental requirement to the age of 15, 16, or something along those lines. Certainly, as a parent I take the view that if your child, under the age of 10, 11 or so, wanted to wander off and make a decision about ear-piercing, you probably would not be very comfortable about them wandering off anyway. But, certainly, daughters and sons at the age of 13 and 14 are not infrequently travelling together in groups in the city, the shopping centres, or wherever else.

It is not an uncommon experience for parents to find their 13 or 14-year old who says, 'Hi mum, hi dad; I just had my ears pierced today with the girls' or with the boys, or whatever it happens to be, and that is the first occasion on which you might be aware of it.

I think the issue of ear-piercing ought to be treated differently. The principle that the Hon. Mr Hood is pushing, I think, is supportable. If this particular issue remains, it will be capable of being mocked. I can hear the debate on the morning talkback radio programs and a variety of others which might ensue in relation to what is a modest proposal overall. Certainly, I would have thought that the issue of how we treat ear-piercing should be uncontroversial.

I think there are a couple of models. The Hon. Mr Lawson is obviously going to contemplate, in a discussion with our party, what some of those models might be. As I said, one of them might be to just drop the age back. I do not support the notion of 16 and 17 year olds having to go along with a written letter of consent from their parents, which was one of the models that was floated. I think the proposal ought to be either dropping the age for ear-piercing or treating ear-piecing in a different way, with different age modifications. I support the views that the Hon. Mr Lawson put. I indicate that I support the second reading, as well. I hope that we will move something in the committee stages to clarify the issue of ear-piercing.

The Hon. C.V. SCHAEFER (20:06): I had also not intended to speak until inspired by the eloquence of my colleague.

The PRESIDENT: It is such a piercing subject!

The Hon. C.V. SCHAEFER: However, I want to very briefly point out to the council that in South Australia you can get married, get pregnant and have an abortion—all at the age of 17; yet we are moving to say that people have to be accompanied by their parents to have their ears pierced. Although I will support the second reading, it seems to me that perhaps we should go back and try to apply some consistency to our laws and perhaps a modicum of common sense.

I agree with the Hon. Rob Lucas, that all of us as parents would be mightily upset if our 10, 11 or 12-year old came home with their ears pierced, without being consulted. However, at 17 many people are apprenticed to work, they are earning their own money, they are paying their own taxes and, as I have pointed out, there are many more serious life decisions that they may take under South Australian law than having their ears pierced. Certainly, there are other parts of our anatomy where I think we should probably seek psychiatric help before we take the decision to have them pierced.

Again, these are decisions that I think are probably relatively valid for someone aged 17. I suppose, as a case in point, what if someone is actually working in Perth and their parents live in Adelaide? Do they have come back to Adelaide to be accompanied by their parents under the law to have their ears pierced? I think we should perhaps have more of a look at this particular piece of legislation.

The Hon. SANDRA KANCK (20:08): I have managed to get through to this far in my life without having my ears pierced, and I do not feel disadvantage by that. I have to say, when I see some young adults with piercings in their eyebrows, noses and various other places, I do not find it particularly attractive. A few years ago my niece had a tongue stud put in, and it seemed to me to be one of the least attractive options that I would ever consider. On top of that, in the 15 years that I have been in Parliament I have never once received a complaint from anyone about the issue body piercing.

The speech that the Hon. Mr Hood made when introducing his bill made comparisons with the Consent to Medical Treatment and Palliative Care Act. I disagree with his view that body piercing—let us say having your ears pierced for an earring—is in the same category as surgery. There is no opening up of the skin in a way that would require any sort of stitches; there is no major trauma. There is a little bit of local anaesthetic. To my mind the comparison does not stack up. However, if he is correct, then what he needs to do is to amend the Consent to Medical Treatment and Palliative Care Act.

The member gave figures for infection from body piercing, although I am not sure that it was body piercing or whether he meant tattooing and included the process of using needles as a body-piercing activity. If he can throw some light on those figures about people in the southern suburbs and infection from body piercing, I would be interested to hear more.

Whether it was body piercing or tattooing, the issue he raised was really one of hygiene, rather than the age of the people who allowed themselves to be given this sort of treatment. If the member wants to introduce a bill about hygiene practices for body piercers, I am very happy to consider it because, if he is right about those figures, it is something we should be concerned about; however, it still has nothing to do with the age of the customer.

Again, it is not an area I have much to do with but, when I walk past these parlours, I note that, if they are tattooists, body piercing seems to be in the same parlour. As we already have a law preventing minors from getting tattoos, I suspect that, for the most part, people going into those parlours would automatically be asked for ID by the proprietor in order to protect themselves.

I do not know which age group the Hon. Mr Hood envisages would have body piercing against their parents' wishes. If it were a 10 year old, obviously (although not 'obviously' because it is not obvious to the Hon. Mr Hood) from my perspective, the proprietor of such a parlour would send that 10 year old running very quickly. I suspect that the Hon. Mr Hood may be talking more about 16 or 17 year olds who can pass for being over 18 by their looks, and there may be some proprietors who do not check age identification.

If what we are dealing with in this bill is an issue about parents exercising control over their 16 and 17 year olds, I think it is a moral issue (at least for the Hon. Mr Hood) and not a health issue. The young people I have spoken to who have gone into these parlours tell me that, when they have been there, if anyone comes in whose age is a little suspect, the operators ask for identification.

Again, I do not understand the motivation for this bill unless, of course, it is simply about the exercise of parental control. If your 16 or 17 year old goes out and gets some body piercing, of which you as a parent disapprove, you can quite clearly confiscate the ring or the stud; the opening will close over very quickly, and they would have to wait until they were a little older before they could do it without your permission. However, I do observe that parents might never know about some sorts of piercing on some parts of the body.

I do not see why this parliament needs to run around and make laws for every possible situation that might arise in a family. The problem the Hon. Mr Hood is addressing is something that I think might be better sorted out by family members over the kitchen table. In essence, the way I see this bill is that Family First wants the state to sit at that same kitchen table when that family meeting is occurring. I wonder, in fact, whether Family First wants the state to be part of every parent-adolescent conflict. I hope that is not the case, because the better solution, surely, is to assist parents in developing parenting skills.

My position is that this bill does not solve any problems such as health issues. To my mind, it is about issues of parental control and who is the boss. It is simply unwarranted and inappropriate.

The Hon. B.V. FINNIGAN (20:15): Since honourable members have elected to share, I am happy to inform the chamber that I have no piercings or tattoos. I suspect that the people most grateful for that would be those who would have had to provide such services if I had chosen to get them.

As the Hon. Mr Lawson and others have indicated, this bill has something of a history. There have been previous bills, and a select committee was initiated by the member for Enfield in another place; and the Hon. Mr Hood is seeking to progress the issue with this bill. The government is considering reforms in this area, so we are reserving our position on this bill. The government will not oppose the bill progressing to the second reading, but that should not be taken to presume our position on any amendments thereto or on the bill, should it progress to the other place.

As members have indicated, a number of issues are involved, including consent and health and hygiene considerations. The government is still considering those matters and therefore reserves its position in terms of support or opposition.

The Hon. D.G.E. HOOD (20:16): I thank members for their contribution and I would like to sum up by trying to address some of the questions that were raised, if I may. I will be brief, given that there are plenty of other things for us to cover this evening.

Those who are familiar with my second reading speech would have noticed that I said I am open to amendments with respect to ear-piercing particularly. I agree with the points made by the Hons Mr Lawson and Mr Lucas. My personal view is that ear-piercing is very much a separate case and should therefore be subject to separate legislation or rules, if you like, or separate consideration.

The question is—and I do not really have a good answer for it, to be honest; but I look forward to the committee stage—whether or not we simply exclude ear-piercing. That is, we put in the legislation that ear-piercing is exempt, or we impose a lower age for ear-piercing to be okay

without parental consent. That is a matter that I am happy to debate with members when the time comes. So, I agree with what the Hons Mr Lawson and Mr Lucas said in that regard.

The Hon. Ms Schaeffer raised the point that there are several things that 17 year olds can do currently under that legislation. Of course, that is true; however, there are also several things that 17 year olds cannot do under legislation, for example, vote or drink alcohol, etc. I think the point that she is making is somewhat arbitrary, and I agree with that at some level. Where do we draw the line? Should it be 16, for example? Should this bill be targeting people under 16? I think that is a valid question, and the answer to that is: I am not sure. We have to pick some number, some age, in order to put a bill forward for debate.

I have had fairly extensive consultation with the industry and there was very much a mixed view within the industry itself regarding 16 and 18. I chose to go for the more conservative option and bring it to the chamber for debate. If people feel that the age should be lower, that is a debate I am obviously willing to have.

In her contribution, the Hon. Ms Kanck said that she has never had a complaint about body piercing. That may be the case, but it is certainly not the case in my experience. I have had many complaints about it, and that is why I have brought this bill to the council. I estimate that I have had at least a dozen complaints from individuals.

I remember one specific woman who came to me who did not want to be identified. She told her story on the Leon Byner show, giving just her first name. She told of her two children, aged 12 and 14, who underwent piercing without her consent, and she was absolutely ropeable. In fact, she wrote to me perhaps eight months or so ago, and I have had a number of meetings with her. She has stated her case quite strongly, along with a lot of other parents whom I have met and who feel the same way.

I would like to take up one of the points that the Hon. Ms Kanck made about confiscating the ring or stud, as the case may be. I had that discussion with the woman I just mentioned. I will call her Mrs Smith for the sake of clarity. The response that Mrs Smith gave me was that, 'It's just impossible. He's 14 years old. I can't simply rip it out of his skin because he won't give it to me.'

Those are the issues that parents face in the real world and that is why this bill would assist parents. The industry is broadly supportive of this measure. I have met a number of parents who are also broadly supportive. The Hon. Ms Kanck then made the ridiculous statement that Family First wants the state to sit at the kitchen table. I reiterate that that is a ridiculous statement; it is not true. It is just the usual rubbish that we get from the Democrats.

With those few words, I look forward to the committee stage. As I said, I am certainly open to amendments with regard to various ages, and I think the point about ear-piercing is entirely valid. I commend the bill to members.

Bill read a second time.

HEALTH CARE (COUNTRY HEALTH) AMENDMENT BILL

Second reading.

The Hon. R.L. BROKENSHIRE (20:24): I move:

That this bill be now read a second time.

This is a simple bill. To put it in a nutshell, what it proposes is to put into legislation the guarantee that the Premier made in a press release to rural and regional people in South Australia with respect to ensuring that we do not see hospitals and health services further downsized or closed.

I have had personal experience with the McLaren Vale Hospital, working with the community there. For 11 or 12 years we had to work very hard to ensure the survival of that hospital, and it is interesting today to see that, thanks to the volunteers and the dedicated support of the staff—the medical fraternity, the nurses and health care workers—against all odds the McLaren Vale Hospital is doing reasonably well and delivering great services for the community of McLaren Vale and the surrounding environs. However, the fight to keep that hospital open is just one example of the importance of ensuring that we have legislation that gives certainty to health care in rural and regional South Australia.

Frankly, the background to this bill is the deeply unpopular Country Health Care Plan that the Hon. John Hill put forward to the South Australian rural community earlier this year. I could not believe that the government actually put that plan up, given that many of the Hon. John Hill's

constituents use the McLaren Vale Hospital. Outside of the fact that he has been Minister for Health in South Australia for some time and would have visited a lot of rural and regional hospitals, I thought he would have noted the lessons going back a decade or more with respect to the importance of rural health. Clearly there was massive community opposition to the plan, especially the aspect of it that would have reduced a large percentage of hospitals to what are called GP Plus centres.

I commend the government, and I will continue to do so, when credit should be given. As an example, the Berri hospital needed expansion. Rural and regional people need dialysis machines, and they need to have a good cross-section of surgeons attending hospitals in the regions to look after patients and perform operations; they do not need or deserve, as taxpayers, on an equity basis, to have to come to Adelaide for surgery that could easily be delivered in country areas. However, the compromise is a bit like the super school proposal: shut down a lot of schools, damage communities and local areas, and then expect people to be able to access services further away from their loved ones. Remember, there are not a lot of transport services in country areas, either.

We are at least 95 per cent sure (if we could get an FOI with some accuracy we would probably say we are 100 per cent sure) that not even a regional impact statement was done for the government's health care plan. To me that shows complete arrogance when it comes to how the government made its decision to look after rural and regional people.

Family First offices, and both my colleague and myself, have been inundated leading up to the final announcement and back flip from the government in terms of protests about what was proposed for country South Australians with the Country Health Care Plan. After the community uproar, and Family First—and also, I admit, the opposition—working to raise the profile of the wrongs contained in the plan, the government did make some amendments to its decision-making. Of course, we are still waiting for Mr Blacker to come up with his final report in terms of the Country Health Care Plan.

Rural and regional people began to say that they were not going to accept that any further—and I have to quickly say that it was not just rural and regional people. One of the things governments need to remember is that there are city cousins and country cousins; a lot of people living or working in Adelaide have family in, or themselves came from, the country, so there was also wide support in metropolitan Adelaide to ensure that adequate health services were provided to country areas.

Instead of the government listening, it spent $400,000 of taxpayers' money—not government money. The budget line in Premier and Cabinet for expenditure on political propaganda/advertising is not the Premier's money; it is not the Cabinet's money; it is not the government's money: it is the taxpayers' money. It is money that the hardworking people of Adelaide and the country deliver to the South Australian government of the day.

Through the drought and all the other pressures that are occurring in rural and regional South Australia at the moment, we saw the government still opposing the message from country people and spending $400,000 on full page ads in stock journals and rural press—you name it; it was there—stating how good the country health plan was. The country people were never going to accept that, and nor should they. I will spend more time on this when we get to the third reading.

Finally, when common sense prevailed, the government did realise that it had made a mistake. It brought in Mr Blacker and some other people, to work with the community, and the Premier made a guarantee. The Family First bill enshrines the government guarantee into legislation. Without something in writing, a guarantee is no more than a shonky used car salesman's assurance that the vehicle has had one previous owner (a lovely lady) looking after that vehicle.

Bank guarantees are in writing. A guarantee has consequences if it is not complied with, and means that some person other than the principal is in strife if the person defaults. We believe the Premier and the health minister are making the promise, and it is the remaining members of the parliamentary Australian Labor Party who are the guarantors.

I will put on the public record that if the Liberal Party were in government and it went down this track—and I acknowledge that it would not, because it has a focus on rural and regional South Australia; it has a focus on looking after country people—I would be opposing it the same way.

Without going through all the clauses, given that we have a long sitting night tonight, I simply say to my colleagues in this house that I have a copy of the Premier's press release which talks about a guarantee: a guarantee that there will be no reduction in health services in rural and regional South Australia and that, in fact, over time there will be an improvement and there will be more doctors and nurses allocated.

What Family First is saying is, 'Well, Premier, thank you for that press release and thank you for that guarantee.' As a farmer and a country person myself, there is enormous pressure in the country at the moment. There is pressure in the city too, but there is enormous pressure in the country, and they do not need to have to lie awake at night thinking about whether or not their hospital is safe.

The garage sale in a couple of weeks at McLaren Vale Hospital is an example of where they will raise thousands of dollars to get a new piece of equipment. That is what they do in the country: they raise enormous amounts of money for equipment. They are worried about all of these things; they do not need to worry about whether the government is going to close their hospital.

We do have checks and balances in this bill. We are not silly. If the community at some stage signs off with the government of the day that that hospital is no longer required, then there is provision within our amendments for that hospital to close, but only after the community that pays the taxes signs off, not the other way, where a bean counter in Treasury says to the health minister, who is under pressure, 'We have a solution for you and your government, Mr Minister. We will give them a bit here and we will rip a heap out of the rest of the state.' That is effectively what the country health plan was about.

Having had the privilege of the emergency services ministry at one stage, I can tell members that the only reason why we still get volunteers—remembering that the absolute majority of ambulance officers in the country are volunteers—is that if they get into desperate trouble they know that a town very close to where they are will have a doctor and a hospital—with those golden minutes in a devastating situation that they arrive at—that can save that person's life. Those people will not continue to look after their local ambulance service and we will not see doctors staying in regions to practise to the high degree for which they are trained unless they have a guarantee.

So, it is pretty simple. The Premier has guaranteed it in a media release. All I am asking my colleagues in both houses to do is to enshrine that guarantee in the media release into legislation so that rural and regional South Australians can go to bed at night knowing that, if something adverse happens, they have the same opportunity as people in Adelaide to save their lives or those of their families and loved ones.

I commend these amendments to the council. I will not spend any more time on this matter now. I thank my colleagues for their indulgence in letting me put this to them tonight, and I am happy to speak to any of the amendments as we debate this bill. I appeal to them to support this measure, because it guarantees some security for rural and regional people who, at the end of the day, put a lot of blood, sweat and tears into being part of the South Australian economy, community and social fabric that we have been used to. Let us keep that social fabric, that economy and that rural community as vibrant as we possibly can in the future.

Debate adjourned on motion of Hon. J.M.A. Lensink.

LONG SERVICE LEAVE (UNPAID LEAVE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October 2008. Page 434.)

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (20:37): I wish to thank the Leader of the Opposition in this chamber for his contribution to the debate on this bill, and I am grateful for the indication of the opposition's support for this legislation. This bill was developed through open and extensive consultation. I would like to acknowledge and thank all the organisations and individuals involved in the consultative process and, in particular, members of the Industrial Relations Advisory Committee.

The occurrence of workers taking lengthy periods of unpaid leave and subsequently returning to their employment is more common today than it ever has been. The changes introduced in this bill will ensure that the act reflects contemporary workplace requirements. The bill

will clarify the averaging process in determining a worker's right to long service leave to ensure that the treatment of leave, paid or unpaid, does not lead to inequitable outcomes.

These changes will bring much needed clarity to the calculation of long service leave entitlements. It will remove ambiguity in the existing legislation that potentially disadvantages workers who wish to take long service leave immediately or soon after a period of unpaid leave. Once again, I recognise the contributions of all those involved in the consultation process and the development of this bill, and I acknowledge their commitment to ensuring fairer industrial relations outcomes for South Australians. I thank the opposition and all other members who have indicated their support for this legislation.

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

WATER (COMMONWEALTH POWERS) BILL

Adjourned debate on second reading.

(Continued from 28 October 2008. Page 428).

The Hon. M. PARNELL (20:42): This bill and the accompanying Murray-Darling Basin Bill are two of the most important pieces of legislation that we will deal with in this place. These bills have been a very long time coming. But the timing is also quite ironic in many ways because, at precisely the time that we are debating these bills to hand power over the Murray-Darling to the commonwealth, in South Korea they are meeting for the 10th Conference of the Contracting Parties to the Ramsar Convention on Wetlands, and that convention will run from 28 October to 4 November. I say it is ironic because there is probably no greater example of the past and current mismanagement of the Murray-Darling Basin than the state of the Coorong and Lower Lakes. Governments of all persuasions over the last few decades should be condemned for the situation that they have allowed those iconic Australian water bodies to come to.

In speaking to these bills today, I want to focus on a couple of general principles that I believe should underpin our actions in the future. The first is that the sustainability of the Murray River is crucial for the sustainability of the communities that rely on it; and, secondly, time is running out.

In relation to the link between the sustainability of the river and the communities that rely on it, the first point to note is that we need a healthy river for any chance of a healthy community and healthy industries and economies. We are all legitimate water users, and it is time we started sharing what water we do have more fairly, and that includes giving the river its fair share. The health of the struggling communities along the Murray River depends upon the health of the river, which needs its own allocation for environmental flows. We know that the communities along the river are struggling, and they must be supported.

If we do not look after the river these communities simply will not survive. The only hope for struggling communities along the river is to know that the long-term sustainability of the river and the lakes upon which they rely is for this to be a priority for our governments. We must strike a balance to ensure that the health of the river and the health of our communities are both sustainable. Quite simply, an urgent allocation needs to be set aside for environmental flows. We know that we need more fresh water returned to the Lower Lakes and the Coorong, and even those who are talking about a salt-water solution for the Lower Lakes and the Coorong know that the fresh-water solution is by far the preferable solution.

The second principle to which I referred is that time is running out, and that means that we must prioritise the sustainability of the river. While the basin plan to provide for a sustainable environmental flow could be a great thing in the long term, it does nothing until it is implemented. And we are fast running out of time, because the Bureau of Meteorology is indicating a 60 to 80 per cent chance of above average temperatures for the lower Murray-Darling Basin for the rest of this year. So now more than ever we need leadership at all levels of government to step in and deliver that water. The environment simply does not wait for politics.

A swiftly implemented, nationally-managed system is imperative for South Australia's water security. The basin plan must be fast-tracked now to bring all states into line—10 years' time or even five years' time is simply too slow. A nationally-managed system must be implemented in the next 12 to 24 months. The decision to recognise and protect existing state level catchment plans or water allocation plans effectively means that little change may be seen in the basin until after 2014. For many of our threatened ecosystems and for rural communities in which farmers are struggling

with uncertain seasonal water allocations, this delay could mean that the action is too late to preserve our environmental assets and to protect irrigation industries.

The situation in the Murray-Darling is critical. That came through clearly in evidence during the recent Senate inquiry (which was initiated by the Greens), which revealed that the prospects for the system are much worse in fact than had previously been thought. The evidence from the Wentworth group of scientists shows that the horror situation in the Murray-Darling Basin is worse than anyone expected. We are being told that the system faces an economic, social and environmental crisis. The necessary readjustment has already been happening, but so slowly that it is a death of a thousand cuts for river communities.

There is no doubt that a mammoth challenge is ahead, but if we can turn this around Australia will have achieved a major international breakthrough and our expertise will be invaluable internationally. We need a healthy river system to sustain communities and industries across the basin. Then we need to reduce our level of extraction from the system across the board by about half, because the ground rules for our use of the Murray-Darling have changed. Before his untimely death, Professor Peter Cullen last year said:

> I fear that the inflows into the Murray-Darling have dropped by about 40 per cent over what has been the reasonably long-term average. When you look at the climatic record, the period 1950 to 1990 has been an unusually wet period and we are now back somewhat drier than the period 1900 to 1950. A lot of our understandings of the Murray-Darling, the agriculture and the environment it can support, had been made during a reasonably unusual wet period. I believe we need to adjust to this water scarcity and learn to live without a number of wet years.
>
> It is probably more serious in that we have now run all the storages to empty and it is quite possible that some of those storages will not refill without a run of quite unusually wet years. They will not fill in average years. We are not dealing with a stable system. We are dealing with one that has quite a lot less water and which might be continuing to decline.

A point that will not be lost on members is that there has been a great deal of frustration at the lack of action over the fate of the Murray-Darling. Groups in the Lower Murray are now considering legal action against the state and federal governments because of the desperate environmental, social and economic situation in which those communities find themselves. The people of the Lower Murray are frustrated and their goodwill is running out. It is understandable that people are prepared to look at options, such as taking the federal government to court, because the government is not doing enough to help them and the environment in which they live. The Coorong simply cannot be written off as collateral damage caused by decades of mismanagement.

The Greens are not prepared to give up on the Lower Lakes and Coorong communities. The Greens called for the recent Senate inquiry and, despite the majority report from that inquiry saying that there is not enough water in the system to help the situation, the Greens will continue to stand up for those communities of the Lower Lakes and the Coorong and to call for fresh water flows.

We believe that the Coorong and the Lower Lakes can be saved from collapse. I refer members to the minority Senate report, which was put together by Greens Senators Rachel Siewert and Sarah Hanson-Young and South Australian Independent Senator Nick Xenophon. That report found that, contrary to the federal government's pessimistic view, a total of 60 gigalitres of fresh water by September next year is all that is required to provide enough environmental flow to stop lakes Alexandrina and Albert from drying up and acidifying in the short term. It is a realistic hope. It is possible and it can be done, provided the commonwealth government has the political will. The government should establish a task force immediately in order to make this happen.

The ecological problems in the Murray-Darling system are the result of years of neglect, over allocation and mismanagement, together with the compounding effects of climate change. Greens Senator Siewert said:

> Australia has built its fortune not only by riding on the sheep's back but by overusing the Murray-Darling system. Unless we build a new rural economy based on sustainable use of water and protecting the environment we will lose significant stretches of the Murray-Darling. We can no longer simply pray for rain. We must plan for drought.

I want to take members through some of the findings in the minority report of the Senate committee. The first set of findings relates to the need for emergency action. The report recommends that the commonwealth government acquire 60 gigalitres of fresh water by next spring within the southern-connected system to maintain the water level of the Lower Lakes above the critical acidification point. We have been fortunate that recent local rains have helped us to buy a window of opportunity. However, we still need that extra 60 gigalitres of water.

The report proposes the setting up of a commonwealth-funded task force to oversee and coordinate the continuing acquisition of water and the coordination of environmental management for the Coorong, including devising future management options. Flooding the Lower Lakes with salt water needs to be ruled out immediately as a management option. It is, quite literally, running up the white flag and giving up on those communities and that environment.

The report supports the pumping of 50 gigalitres of hypersaline water from the Southern Lagoon to improve environmental conditions and that that process be undertaken immediately. When I spoke to the scientists who devised that scheme, my first reaction was one of scepticism—here was yet another technical fix to an environmental problem—yet the situation in the Southern Lagoon is so dire that there is no alternative but to pump out that hypersaline water and to freshen it with sea water.

The report recommends that an adaptive management approach be undertaken to immediately monitor the water and acid levels in the lake, while minimising evaporative losses. It also recommends that the commonwealth investigate the conditions around the non-return of some 113 gigalitres of environmental water loaned from the Murrumbidgee and to ensure that the return of that water is expedited.

We recommend that in the medium term 350 gigalitres be found through careful management of the Murray-Darling Basin to provide for the health of the Coorong and Lower Lakes and, further, that the commonwealth and ministerial council investigate the legislative and regulative impediments that might prevent significant summer rainfall in the northern basin from reaching lower parts of the Murray. I, as were other members, was horrified to find that extractions from Queensland reached record levels at precisely the time that our communities in the lower parts of the basin were virtually without water.

It is clear that governments have the power; they simply need to have the will to use it. For example, the Greens welcomed the federal and New South Wales governments' purchase of the Toorale Station as a necessary step in saving the Murray-Darling Basin. We know that the commonwealth already has corporations power under the constitution, which it could use to act now to ensure that an allocation of water is quarantined for the river and for vital environmental flows.

I will speak briefly about the wetlands of the Murray-Darling Basin and their importance to the overall health of the Murray. We know that some 80 per cent of the Murray Darling Basin's wetlands have already faded into history. The Greens welcomed the recent release of the report prepared by the ACF and the inland rivers network entitled 'Wetlands for our Future' and we suggest that it should form the basis of a national wetlands rescue plan. We believe management and recovery plans for Ramsar wetlands should become statutory plans under the commonwealth Water Act to stop them being ignored and overridden, and this needs to be backed up by provisions of the commonwealth Water Act to ensure that enough water is set aside to protect and maintain these sites in the face of climate change, because the predictions for climate change are for warmer temperature, lower rainfall and higher evaporation. We should also establish a wetlands management fund so that private water managers can help the commonwealth meet its international commitments to manage wetlands on private lands.

The recent decision on the Sugarloaf pipeline in Victoria has highlighted that the Environment Protection and Biodiversity Conservation (EPBC) Act also needs to be amended to ensure that any actions that will have a significant impact on important freshwater areas or national water resources is fully subject to the assessment and approval regime in that act. Many of Australia's unique and internationally recognised wetlands are also highly threatened. We urgently need to review threats to key wetlands within the Murray-Darling Basin, including the Coorong (which I have mentioned), the Chowilla flood plain, the Gwydir wetlands and the Macquarie Marshes, and we need to list them on the Montreux register.

The Greens agree that one national authority for the whole of the Murray-Darling Basin is desperately needed, and we have been long-term advocates for this. The need for a national authority is clear and needs to be given the ultimate power to take action on the Murray-Darling. Water governance within the Murray-Darling Basin has always been a different and complex issue with the river system involving four states and one territory, all of which have overlapping and competing interests, together with different priorities and institutional arrangements.

While there has been recognition of the problems facing the Murray-Darling system for decades, governance arrangements under the Murray-Darling Basin Ministerial Council have been

characterised by inertia and a lowest common denominator approach to resolving conflict. It is now time for the states to refer their powers and let a national authority be established with the expertise and teeth to actually make the decisions needed in a timely fashion. So, the question before us really is whether this referral of powers that we are considering in this bill will achieve what is required.

The Greens are concerned that this legislation will not deliver the reform that is needed to solve the Murray-Darling crisis. We have identified a number of shortcomings, which include: the level of independence of the authority—we do not believe that it is truly independent; we are concerned about the slow timetable for the development and implementation of the basin-wide plan; we are concerned about the lack of a baseline environmental water allocation and the mechanism for monitoring and managing river health; and we are particularly concerned that there are legal impediments, such as the 4 per cent cap on trade in water that is still in place, and that it is standing in the way of more water being traded and purchased for the environment.

Poor governance and inadequate legislation is what has created the problem in the basin in the first place. This is our chance to get it right, so we need to do it properly. It is essential to ensure that we are creating a Murray-Darling Basin authority that has the powers it needs to deliver effective whole of basin governance and the independence that it needs to do so wisely. In relation to this present bill, the Greens have decided not to move amendments in South Australia, but we do acknowledge that the plan needs urgent reform, particularly around the time frames, because, if we are still waiting for outcomes in, say, the year 2019, that is clearly far too late. So, the Greens will be putting most of our legislative effort into the commonwealth parliament, in the Senate, to ensure that the arrangements properly recognise the need for the long-term health of the river.

In conclusion, we agree that one national authority is required; it needs to be truly independent; and it needs to have the freedom and the ability to make decisions in the long-term interest of the river system, based on the best science. To conclude where I started: our experience in South Australia is that we have seen first-hand the worst of the mismanagement of the Murray-Darling system. We have seen it in the slow death of the Coorong; we have seen that parts of that water body are now too salty to sustain life; and we have seen it in the devastation of farming communities on the Lower Lakes and the fall in the water level of those lakes to well below sea level. So we are probably best placed, of all the communities in this country in the Murray-Darling Basin, to see first-hand the consequences of when things go wrong. The future of the Coorong and of the Lower Lakes depends upon our getting this right, so the Greens support these two pieces of legislation.

The Hon. R.I. LUCAS (21:03): I support the second reading of the legislation. I had not intended speaking at the second reading stage (my colleagues having persuasively put the Liberal Party position), but I was provoked into providing a brief contribution by the Hon. Mr Wortley's particular contribution to the legislation yesterday. What we saw yesterday was a premeditated, vicious and unprovoked attack on a respected group of people working very hard in the Riverland for irrigators—

The Hon. J.S.L. Dawkins: As volunteers.

The Hon. R.I. LUCAS: —as volunteers—known as the Murray Irrigators Group. I will outline what the Hon. Mr Wortley said about that particular group in a moment, but I think that it is important for the people in the Riverland (who may well get the opportunity to read the Hon. Mr Wortley's contribution and mine on this particular issue) to put the context first; and that is that the Hon. Mr Wortley is the personal representative of the Premier, Mr Rann, in Chaffey, in looking after the interests of the Labor Party.

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

The Hon. R.I. LUCAS: No, but the Premier, Mr Rann, has personal representatives representing him and the Labor Party in seats not held by the Labor Party and—

The Hon. J.S.L. Dawkins: Ian Hunter does Mount Gambier. I don't know why that is, do you? Do you know why?

The Hon. R.I. LUCAS: I am not sure why that would be when the Hon. Mr Finnigan is down there, but perhaps it might have something to do with factional influences, I don't know, but I will not be diverted by interjections from my colleagues during this important water debate. As I said, the Hon. Mr Wortley is the representative of the Premier in Chaffey. Clearly, the Hon.

Mr Wortley would not be doing anything without the approval and guidance of the Premier in relation to this important electorate.

I am sure all members of the Labor Party would acknowledge that the Hon. Mr Wortley is representing the Premier. And so, when we see this premeditated, vicious and unprovoked attack by the Hon. Mr Wortley on this respected group, the Murray Irrigators Group, we do need to remember that he is representing the Premier in the electorate of Chaffey. I think the people of Chaffey need to remember that as well, if they are lucky enough to see the contribution from the Hon. Mr Wortley and my contribution this evening. What did the Hon. Mr Wortley say about these hardworking volunteers and individuals known as the Murray Irrigators Group? Amongst other things, he said:

> Members will find a number of issues here that I will go through and it seems that the Murray Irrigators Group are no more than puppets for the Liberal Party—

The Hon. J.S.L. Dawkins: It is actually the South Australian Murray Irrigators (SAMI).

The Hon. R.I. LUCAS: The Hon. Mr Dawkins tells me the correct title is the South Australian Murray Irrigators, but in his contribution yesterday the Hon Mr Wortley refers to them as the Murray Irrigators Group.

The PRESIDENT: The Hon. Mr Dawkins is out of order.

The Hon. R.I. LUCAS: He then goes on to talk about the silence (as he describes it) of the South Australian Murray Irrigators group over 10 or 11 years, which, he says, is probably one of the most disgraceful episodes in the history of the Riverland. He is saying that the approach of the South Australian Murray Irrigators group, a most respected group in the Riverland, over 10 or 11 years was probably one of the most disgraceful episodes in the history of the Riverland. I think that is an appalling attack by someone representing the Premier on this respected group. My colleague the Hon. Mr Dawkins knows the members of this particular group in a much better and closer fashion than I. He knows people such as Ian Zadow, Tom Martin and a number of others, all very respected people in the Riverland area who have worked as volunteers for a number of years on behalf of irrigators in the Riverland.

The Hon. J.S.L. Dawkins: And throughout the Murray.

The Hon. R.I. LUCAS: And throughout the Murray, as well. They have spent countless hours putting the interests of the Murray Irrigators group forward to the state government, federal government or whomever. For the Hon. Mr Wortley—as I said, representing the Premier in this chamber and in that electorate—to mount this vicious attack on people such as Ian Zadow, Tom Martin and others within the South Australian Murray Irrigators group is reprehensible, in my view. I know a number of other members in this chamber were appalled at the attack on this respected group and the individuals who have worked very hard over the years.

To have the representative of the Premier in this chamber mounting this sort of vicious attack at a time when we and the people in the Riverland, in particular, are facing a crisis is reprehensible and certainly unfair. I would hope that, on some future occasion, the Hon. Mr Wortley might have the courage and perhaps the integrity to stand up in this chamber and to apologise to the South Australian Murray Irrigators group and all the members of that group for what he has said. He made many other attacks in his speech yesterday, but I will not go through all the attacks he made on that particular group and the individuals within that group on that occasion.

One of the individuals he attacked was the current president, Mr Tim Whetstone. I think it probably indicates the sensitivity the Premier and the Hon. Mr Wortley have that it is possible Mr Whetstone may well become the Liberal candidate to contest the next election against the Hon. Ms Maywald, who the Hon. Mr Wortley is obviously supporting. I hasten to say that Mr Whetstone is but one of a small number of quality candidates contesting preselection for the Liberal Party, but it is quite clear that there is considerable concern from the Premier and the Hon. Mr Wortley about Mr Whetstone's potential preselection.

I do not intend to speak at length about Mr Whetstone in my contribution. If he is a preselected candidate, I am sure he is big enough, strong enough and certainly articulate enough (we have seen him representing the interests of the Murray Irrigators group fearlessly in recent times) to defend himself against the Hon. Mr Wortley or, indeed, the Premier, or whomever else might choose to attack him.

My contribution this evening is not specifically to defend Mr Whetstone; it is to defend the vicious, premeditated and unprovoked attack by the Hon. Mr Wortley, on behalf of the Premier, on the South Australian Murray Irrigators group as a group and all the individuals who have worked very hard over many years for that group.

The Hon. R.D. LAWSON (21:12): I rise to speak in support of the second reading of this bill. As other members have indicated, this is very important legislation. In simple terms, its effect is to refer matters relating to water management (in particular, the management of the Murray-Darling Basin) to the commonwealth parliament.

As members would know, under the Australian Constitution, the federal parliament has legislative power only over a certain number of topics or subject matters. It does not have complete and unfettered power in relation to rivers, water usage and the like. However, section 51(37) of the constitution provides that the commonwealth will have power over any matter referred to it by a state. In this particular scheme, it is envisaged, pursuant to an agreement signed very recently by the commonwealth, the states of South Australia, Victoria, New South Wales, Queensland and the Australian Capital Territory, that the commonwealth parliament will have power to legislate in respect of certain matters.

The matters in respect of which the commonwealth parliament will have power are not set out cleanly in the bill presently before us. However, they are set out in certain amendments to the Water Act 2007. The Water Act was passed only last year, under the Howard government. Its effect was to make provision for the management of water resources in the Murray-Darling Basin, including the establishment of the Murray-Darling Basin Authority, which authority was to have powers previously exercised by the Murray-Darling Basin Commission. The powers of the new authority are expanded. The autonomy of the authority is enhanced by the fact that its membership is limited to persons who have a high level of expertise in fields relevant to the authority's functions, namely, matters such as water resource management, hydrology, freshwater ecology, resource economics, irrigated agriculture, public sector governance, and financial management.

This authority, which is said to be a technical body and not a political body, is one in which great faith is placed by all states that are referring their power to the commonwealth, in particular to the downstream state of South Australia. The authority will continue to have powers in relation to what are described as 'basin plans'. The basin plan has legislative force and governs the use and allocation of water across the whole basin. That Water Act, which is a substantial piece of legislation of over 200 pages and over 200 sections, was passed, as I said, as recently as late last year, and it is now being extensively amended.

The amendments to the Water Act are included and have been tabled in this parliament but are not technically before the parliament; a copy has been tabled. Those amendments, called the 'tabled copy', provide the key to the powers which are being referred to the commonwealth parliament. I do not think it is necessary at this second reading stage to go into too much of the detail; we are, after all, arguing about the underlying principles. As I indicated at the very outset, the Liberal party is and has been for some time committed to a reference of power to the commonwealth parliament, so that there can be a national solution to a problem which has bedevilled this state for the past 50 years, and increasingly so in the face of declining flows in the river system.

When one reads the Water Act, as passed in September last year, one sees noble objectives. This is a piece of commonwealth legislation, and I think it is worth putting on record the objectives which the Howard government sought to achieve, as follows:

1. To enable the commonwealth in conjunction with the basin states to manage the basin water resources in the national interest; not only in South Australia's interest but in the national interest.

2. To give effect to relevant international agreements, and, in particular, to provide for special measures in accordance with those international agreements relating to the use of basin water resources and to address threats to water basin resources.

3. To promote the use and management of basin water resources in a way that optimises economic, social and environmental outcomes.

4. Without limiting the previous object, to ensure the return to environmentally sustainable levels of extraction for water resources that are over allocated or overused, and to protect, restore and provide for the ecological values and ecosystem services of the Murray-Darling

Basin, taking into account, in particular, the impact that the taking of water has on the water courses, lakes, wetlands, ground water, and water-dependent eco systems that are part of the basin water resources and on the associated biodiversity. Finally to maximise the net economic returns to the Australian community from the use and management of the basin water resources.

5. The objects include the improvement of water security for all uses of basin water resources.

6. To ensure the management of the basin takes account of the broader management of natural resources in the Murray-Darling Basin and to achieve efficient and cost-effective water management and administrative practices and to provide for the collection and collation analysis of information about Australia's water resources.

So, the Water Act has very wide objectives and, when one reads the objectives, they will strike a chord with many of us. They do strike a chord with many of us about the problems that have arisen. Clearly, the problems have been identified, and here we seek to achieve, by legislative means, some solutions. I, myself, although a lawyer, do not have ultimate faith in the use of legal instruments to solve problems of this kind. Indeed, far more than legal machinery and legal frameworks are required. Matters such as wisdom, fair administrative practices and the like, and good management practices on the ground, will ultimately be of more significance than the legislative framework. However, without the legislative framework, it is very difficult to implement many of the measures which are necessary and, in particular, are vitally necessary for the state of South Australia.

Generally speaking, I have not been in favour of the willy-nilly reference of powers to the commonwealth parliament which were originally granted and allocated under the constitution to the states. I believes states have a responsibility to govern in the interests of their particular states and electorates. I am a federalist; I believe strongly in the distribution of power to the states, and to the lowest level of government which is practicable. However, as has been shown in relation to the Murray-Darling Basin, absent regulatory frameworks of this kind, we—at the end of the river—tend to lose out time and time again. I am not convinced that, once again, we have not been sold down the river.

When the most recent agreement was signed between Prime Minister Rudd, the Labor premiers and the Chief Minister (this is the Murray-Darling Basin Agreement) it was greeted with a great deal of media hype about an historic breakthrough, a solution of historic proportions, and all of the hyperbole we have come to expect from media-driven politicians. The fact is that it was not an historic agreement. It was not actually an agreement at all; it was really an agreement to agree in the future. You cannot have an agreement which gives to any one party to the agreement the power not to approve plans or to veto proposals. That is exactly what we have in the Murray-Darling Basin Agreement. That agreement is now to be included in the new federal Water Act as a schedule. It is a critical part of the arrangement.

As I say, whilst I do not have unbridled faith in the capacity of a federal or central government to find solutions to all our problems, I think our situation in South Australia is so dire and so desperate, and our power is so weak, that we can hardly be worse off by pursuing the agreement that has been entered into. That is why the Liberal Party took the view that the only solution in the circumstances was to request the commonwealth parliament to exercise the powers.

The commonwealth could have done that: it could have exercised the powers it already has in the Constitution. Professor John Williams of the Law School in Adelaide has argued cogently that, especially under the commerce power the federal parliament has, it could have introduced and passed legislation itself. In Professor Williams' view, it would have survived challenges in the High Court, as undoubtedly it would have been challenged, especially if it took away Mr Brumby's power of veto.

The federal government and the states have chosen not to go down that route. Rather than the commonwealth seeking to exercise the powers we believe it has, it has asked the states to refer the necessary power to the commonwealth, and that is what we are doing. It is not the best solution, but it is better than sitting on one's hands and doing nothing.

The Hon. R.P. Wortley interjecting:

The Hon. R.D. LAWSON: Wednesday night seems to bring out the best in the Labor backbench. Here they are—opening the mouth before engaging the brain!

The PRESIDENT: Order! The Hon. Mr Lawson will refrain from responding to interjections that are out of order.

The Hon. R.D. LAWSON: I thank the honourable member for reminding me of the great initiative taken by the Howard government with a $10 billion plan which, if implemented, would have solved many of the problems. The former prime minister produced a plan that would have succeeded. It was scuttled by Labor premiers on the basis that they thought it would be to their political advantage in the federal election.

It was not until after the election that they implemented the plan, having said beforehand that they would not but then not fully implementing it—once again, as I say, under the new rubric of cooperative federalism, bowing down and allowing the lowest common denominator to prevail, namely, the proposals of the Victorian premier. However, I will not be diverted unnecessarily by the honourable member.

It is unnecessary for present purposes to embark upon a detailed examination of the provisions, although we look forward to the committee stage when we assume that the minister will be able to answer the technical questions that will undoubtedly be raised. I think it is important, especially in the context of amendments that have been tabled, that the parliament understands the concept of critical human water needs.

This concept is not new to this legislation. However, the provisions relating to critical human water needs are now set out in amendments to the Water Act and will be part of the legislative framework. New part 2A of the commonwealth Water Act will provide, in section 86A, that critical human water needs are to be taken into account in developing the basin plan.

In particular, the section provides that that basin plan must be prepared having regard to the fact that the commonwealth and the basin states have agreed that critical human water needs are the highest priority water use for communities dependent on basin water resources and, in particular, that to give effect to this priority in the River Murray system, the conveyance of water will receive first priority from the water available in the system.

'Critical human water needs' are defined as the needs for a minimum amount of water that can only reasonably be provided from basin water resources required to meet (a) core human consumption requirements in urban and rural areas; and (b) those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs.

Section 86B will provide that the basin plan must include a statement of the amount of water required in each basin state—that is, a referring state (the states other than Queensland)—to meet critical human water needs. The basin plan must also include a statement of the amount of conveyance water required to deliver the critical human needs water. It is important to realise that the basin plan must include the statement of the amount of water required in each basin state to meet critical human water needs.

Importantly, the section provides that the plan must specify the water quality trigger points and salinity trigger points at which water in the River Murray system becomes unsuitable for meeting critical human water needs. So, regard must be had not only to the amount of water required but also to the salinity trigger points, and the like, to meet those critical human needs.

New section 86D deals with the water-sharing arrangements which are to prevail in circumstances where there is insufficient water to meet all needs, and these relate to tier 2—water-sharing arrangements. There are, in fact, three tiers: tier 1—water-sharing arrangements; tier 2; and, finally, tier 3, which is dealt with in section 86E and which requires that the basin plan must specify the conditions under which, due to these circumstances, special arrangements have to be made.

Those special circumstances are: (a) extreme and unprecedented low levels of water availability in the River Murray system; (b) extreme and unprecedented poor water quality in the water available in the system to meet critical human water needs; or (c) there is an extremely high risk that water will not be available to meet critical human water needs during the next 12 months. In those circumstances, the extreme situation of tier 3 water-sharing arrangements must arise.

Returning briefly to proposed section 86D, the basin plan is required—in relation to tier 2 water-sharing arrangements and in subsection (3)—to recognise South Australia's right, as provided for in clauses 91 and 130 of the agreement, to store its entitlement to water and to recognise that New South Wales, Victoria and South Australia are responsible for meeting the

critical human water needs of their state and will decide how water from its share is used. Under this arrangement, we in South Australia will retain a responsibility to meet the critical water needs of our state.

Just briefly, clauses 91 and 130 of the agreement deal with South Australia's entitlements. Clause 88 of the agreement provides that South Australia has a monthly entitlement, specified month by month, of a certain number of megalitres, together with allowances for dilution and other quantities. There are mechanisms for variation of our entitlements.

There is recognition of our right to store water under our entitlement and to use, for example, Lake Victoria. There are also provisions relating to the entitlements of New South Wales and Victoria. There are also restrictions on those entitlements in the event of situations such as those which have arisen in the current circumstances. There are also specific provisions in the agreement relating to the distribution of waters to ensure critical human water needs.

I have dilated a little upon the importance of critical human water needs because of the amendment that the Hon. Mr Brokenshire has placed on file. I believe that the committee will need to have a full understanding and appreciation of the concept of critical human needs when addressing the matters that the honourable member has raised.

Although I am speaking now on the Water Bill, I will make some comments about the related legislation, namely, the Murray-Darling Basin Bill. This is a cognate or related bill, an essential part of the same package as the Water Bill. It will replace our existing Murray-Darling Basin Act 1993, which is legislation of the South Australian parliament. It will remove provisions from our law that will become obsolete under the new arrangements.

The Murray-Darling Basin Commission which, as I mentioned, was the previous body, will be replaced by the Murray-Darling Basin Authority, and I should add, in that connection, that the ministerial council will continue to have the capacity to make high-level financial and other decisions. Regrettably, that ministerial council will be the place in which the states' veto remains.

I do not think it is necessary to dilate upon the provisions of the Murray-Darling Basin Bill other than to say that it amends a number of South Australian pieces of legislation, such as the Development Act, the Ground Water (Qualco-Sunlands) Control Act 2000, the Natural Resources Management Act 2004, the River Murray Act 2003 and the Waterworks Act. As I said, the Liberal Party is committed to the implementation of the underlying principles, and we look forward to the committee debate.

The Hon. C.V. SCHAEFER (21:40): My colleague in another place, Mr Mitch Williams, described this legislation as too little too late, and I think most of us would agree with that. These two pieces of legislation are the result of the near, if not total, collapse of the Murray-Darling system and all that it stands for. The Murray-Darling Basin is the food bowl of Australia; it is one of our major producers of primary produce—and indeed of export primary produce. As Mr Brokenshire said yesterday, if we lose much more of our irrigated product we will see ourselves importing such things as citrus, and anyone who has travelled even very briefly overseas would agree that most of us would not wish to eat oranges from China. However, that is what we are looking at.

This legislation is necessary because historically the states have refused to cooperate with one another and have behaved in a selfish and self-interested fashion to the detriment of the River Murray—and, indeed, the Murray-Darling Basin. However, I think we in South Australia would be quite wrong if we believed that we were somehow the innocent victims of that selfishness and lack of forward planning. As a member of the Natural Resources Standing Committee I, along with others in this place, have, in the past year, had the experience of travelling extensively through Victoria, New South Wales and Queensland to look at the irrigation methods and storages in those states. The descriptions we hear down here of vast areas of stored water for the selfish use of those upstream were, as far as I could see, quite false in almost all cases.

As an example, we visited a farm out of Goondiwindi in Queensland where seven years ago a farmer spent $1 million building a dam so that he could have flood storage when it flooded or rained. That dam has never had a drop of water in it; that man has not grown cotton for seven years. In Deniliquin there has been no rice in the silos for the past three years. If we are to expect the other states to understand our dire plight, I think we have to try to begin to understand theirs.

The truth is that Australia is experiencing unprecedented drought. It can certainly be argued that the allocations given for irrigation up and down the river system were too generous,

and were put in place at a time that scientists such as Professor Mike Young now believe was possibly the wettest 60 years in Australia's history. The allocations originally granted were probably granted with the best of intentions and with the best knowledge as it stood at the time, but I think we probably have to erase all those and start again. Certainly, that is what Professor Young, in his paper 'A Future-proofed Basin', advocates. It is, I think, probably too drastic a solution for anyone in Australia to be brave enough to do, but I believe that we may well have to look at such dire remediation as that.

This bill does not go far enough. As the Hon. Robert Lawson has said: I am a federalist. I do not believe in giving any more powers to the federal government than we absolutely have to. I think smaller and less populous states, such as South Australia, will always be the loser when we do. As a nation dependent on this river system, we have brought this solution upon ourselves by our short-sightedness, our selfishness and our reluctance to cooperate with our neighbours up and down the river.

I see us as having no choice but to hand over the powers that we are attempting to hand over to one single body, and that, in this case, must be the federal government. However, this piece of legislation fails to do that. The MOU that was signed by the various state ministers and Prime Minister Rudd was nothing short of a con, a very clever con by Mr Brumby from Victoria, which gave us not one drop of extra water and not one skerrick of extra power but which gave Victoria—which is probably the best off; I am not saying it is not doing it hard as well, but it probably has more access to water than any of the other states—an extra $1 billion.

The $1 billion was for the Food Bowl project, which was to put open drains into pipes. South Australia did that about 10 years ago. So, Mr Brumby has got his state an extra $1 billion to do something that we have already done and I think, from memory, he received an additional allocation of 150 gigalitres of water out of the Murray. He has held the other states and Prime Minister Rudd to ransom to get that, and that is the basis of this new legislation. That MOU—which really illustrated blackmail, if you like—was the basis for this legislation.

As I understand it, South Australia and each of the states will remain responsible for the construction of works; that will still be our jurisdiction. So, the cost of any infrastructure remains the cost of the states. The allocation of water within this state remains at 1,850 gigalitres, which, from memory, it has been since the mid-1970s. Frankly, if we could get 1,850 gigalitres we would all be very happy people.

What we are talking about is figures: fresh air. The water is simply not there. The illusion that there are thousands or millions of gigalitres sitting, for instance, at Menindee Lakes is completely false. When we went to visit Menindee Lakes there were cattle grazing on Menindee Lakes, and they had been there for quite some time. I think there are some 250 gigalitres still stored in one of the smaller lakes, and that is the only place—if we do not get very large rains—that Adelaide will get water from this summer. So, we do not have any extra gigalitres of water, and we are still responsible for the construction of all works.

The legislation abolishes the Murray-Darling Basin Commission and sets up an authority. However, the authority has advisory powers only. The part that I find quite frightening is that any state can pull out. At any stage any state can simply give notice—and the Governor can set a time, but they can say, 'I don't like that. I'm going to spit the dummy and go home.' Just as an example, they could say, 'I've got an extra billion dollars now, so I'm going to pull out of this agreement.' So, although this legislation purports to give powers to the commonwealth, in my opinion, it falls well short of giving real power to the commonwealth.

It does (and I think this is a very good thing) for the first time give us access to upstream storage of our choice. So, we now have some choice to store, I think, up to 300 gigalitres in such dams as the Hume, which we previously have been unable to do. However, again, 300 gigalitres, if we can ever get that in storage, is about two years for Adelaide, with no irrigation water. So, from what I can see, we have not done particularly well out of this deal at this time.

The authority has been tasked with preparing a whole-of-basin plan. As I have said, if we look at the history of the development of irrigation throughout Australia, one could only say: best of luck to them. It will be an extraordinarily difficult task to be achieved within, one would hope, a very short time, because we are talking about the brink of unprecedented disaster.

However, it is not estimated, even in the minister's speeches, that that plan will be ready to be introduced under two years. My question (amongst others) is: what will happen in the meantime? We are going to hand over this authority and then we are going to receive advice as to

how we can get water. Right now, there is no water. However, even if there was, what additional rights does South Australia receive? Indeed, what additional rights does any irrigator receive?

From what I can see, we have a long way to go before we have achieved a whole-of-basin authority. I would much rather have preferred these powers to be vested under the commonwealth government but to be operated by an independent authority at arm's length from any of the states. That is not the path that has been chosen. I genuinely wish those involved with the development of these plans well, because I think the future of, certainly, South Australia as we know it, but also the other states, is dependent on getting this plan right. However, I must say, having looked at the legislation, my best understanding of it is that the chances of our being successful are quite remote.

The Hon. J.S.L. DAWKINS (21:53): In rising to speak to both bills in a cognate fashion, I indicate that I will be supporting the second reading of both. I also acknowledge the contributions made by my colleagues, led by the deputy leader (Hon. Michelle Lensink), and the comments made on a range of issues contained within these pieces of legislation by my other colleagues.

The Water (Commonwealth Powers) Bill is the first of the bills, and I suppose the political disruption to the $10 billion Howard plan has been well documented, both outside this chamber and also here tonight. The incoming Rudd government showed little desire to tackle the issue until it was embarrassed into placing the matter on the agenda at the COAG meeting held here in Adelaide on 26 March this year. A hastily cobbled together memorandum of understanding was agreed to at that meeting, with an intergovernmental agreement being signed off at the subsequent COAG meeting on 3 July. That agreement obliged the basin states to refer some powers to the commonwealth to broaden the effect of the commonwealth Water Act 2007.

The principal changes will be to transfer the powers and functions of the Murray-Darling Basin Commission to the Murray-Darling Basin authority. The authority is set up under the commonwealth Water Act 2007 to mandate that critical human water needs will form a part of the Murray-Darling Basin Plan and that basin water charges and water market rules will be regulated under the act, with the ACCC playing a vital role in determining or approving regulated water charges and developing water charges and water market rules. The claimed benefits for South Australia will be: formalised access to upstream storages; the formalising of water-sharing rules under normal low or extreme low-flow scenarios; and the formalisation of water flows for critical human needs. In practice, there will be little difference to where we sit today.

The other bill is the Murray-Darling Basin Bill 2008 and, under that bill, the transfer of operations from the Murray-Darling Basin Commission to the Murray-Darling Basin authority—an authority which will be responsible to the federal minister rather than the ministerial council—will make the Murray-Darling Basin Act 1993 redundant. Some of the functions under that act will need to remain under the state minister. This bill enables that to occur and amends a number of other state acts, which I will not detail, in recognition of the changed governance of the Murray-Darling Basin.

A number of people have gone into some detail about the legislation, and I think that tomorrow we will have some opportunity to examine both bills in detail. I note there are 300 pages of tabled text, which is something that is new to me in my time in parliament.

I wish to make some general comments on what this government has done in relation to management of water and related issues during its term of office. I have been in the parliament for 11 years and I have been working closely with the communities of the Riverland, particularly, but other River Murray communities in this state in general throughout that time. What I have seen particularly over the time since the current government came to power in 2002 is that it makes an art form out of splitting communities—out of making different groups of people in the same towns, districts or regions fight against each other—to take the heat off themselves. I have seen it happen in a range of issues across the board, but particularly in relation to water.

I think that, when the first water restrictions on irrigators were introduced in this state a few years ago, the way in which that was done—without any consultation, to pit the various commodity groups in the communities against each other—was a sign of things to come. While the people are unhappy with another group that they think is getting a better deal, they are not venting their anger at the government, and the government sails away nicely while people are unhappy with some of their own colleagues.

We saw that in relation to the debate about whether Chambers Creek should be blocked off where it flows into Lake Bonney. That caused great consternation in the Barmera community.

The fact that the debate went on for so long caused more community unhappiness, and it was a similar scenario to that first situation in relation to the water restrictions. We have seen it in relation to the way in which the government and some others have tried to pit the Lower Lakes communities against the Riverland communities, and, in some cases, I must say that has been successful. That is a great shame because all the river and irrigation communities in this state need to work together.

Generally they do, but they have faced this onslaught from the government, which has sort of put itself into a corner saying, 'Well, you've got to fight for yourself against that other community.' I find that obnoxious, I am afraid, but we continue to see this going on from this government all the time. I suppose that last point about the communities of the Lower Lakes and the Riverland has been exemplified through the long debate about whether or not there will be a weir at Wellington. This government has been talking about this weir for so long. If it really wanted to get on and do it, it should have built it by now. I do not agree with the weir, but it should have done it by now. It has continued to cause consternation with those communities.

The other treatment of the irrigation communities which I found particularly offensive happened late last year when many irrigators, having pleaded with the government to let them know what percentage of water they would be allocated long term and being told they would get nothing more than 16 per cent of allocation, went out and bought water costing up to $1,100 a gigalitre. They did that on the basis that they would not get any more than 16 per cent. So, what happened? Suddenly late last year (I think it was in November) they were told, 'You can have 22 per cent.' Some people welcomed that because that was a bit extra, but then suddenly it went up to 32 per cent—no good reasons for it, no science behind it, just the minister and the government bowing to a bit of pressure.

The $1,100 valuation on that water suddenly came down to about $400 overnight. The treatment of the communities of the river in that way is still something I find very annoying, and it just shows that the government and the minister who purports to represent Chaffey do not understand the community at all. One of the other things I do not like about the way in which this government has managed the irrigation industry is that it has tried to pit the private irrigation schemes against the irrigation trusts, particularly the Central Irrigation Trust. I think that is unfortunate, because some very good operators are in both systems. Again, if you want to take the heat off yourself when you are not doing a good job, make the people in the industry fight against each other.

As a result of increasing publicity about the plight of the river—and no-one doubts the increasing plight of this great river in this state—we have seen an increased amount of irrigator bashing. There are some people who think that we should not have any irrigation schemes at all on the river. Those people are ignorant of the fact that, as the Hons Caroline Schaefer and Robert Brokenshire have said, the food bowl of this nation is based on the Murray-Darling Basin system.

Most of the irrigator bashing we have seen in the media pales in comparison with what we heard yesterday from the Hon. Russell Wortley. I think his performance yesterday in bashing the volunteers of the South Australian Murray Irrigators Association was outrageous—and the Hon. Rob Lucas highlighted that this evening. It was based on the fact that one person, who has done a lot of work for SAMI (as the organisation is known), has sought preselection for the Liberal Party. He is only one of the nominees for preselection but, because of that, the Hon. Mr Wortley has decided to belt this organisation and call it disgraceful and all sorts of other things. I think his comments undermine his performance in this council considerably.

The reality is that the irrigation industry in this state has done extraordinarily well in managing the water resources compared with many other areas of this nation. I have not had the benefit of travelling as widely as the Hon. Caroline Schaefer, and as a member of the Natural Resources Committee she probably has seen things I have not seen when I have travelled along the river as a private citizen. One does not have to go far to see that the way in which water is delivered and used on various crops in other parts of this country is way behind the general practice in South Australia.

I comment again on the Hon. Russell Wortley. Yesterday by way of interjection he indicated that rehabilitation of the Loxton irrigation system was financed by federal Labor. That is absolute rubbish—and he should know better. The reality is that the Loxton rehabilitation scheme was funded 40 per cent by a federal Liberal government, 40 per cent by a state Liberal government and 20 per cent by the growers themselves. The Hon. Russell Wortley comes in here and says things that are just plain wrong.

The Hon. R.I. Lucas: And he knows it!

The Hon. J.S.L. DAWKINS: As the Hon. Mr Lucas interjects, 'And he knows it.' I think he does but he just does not care. I am concerned about the people in the Riverland who rely on the river for their income, and of course the other communities along the length of the river and in the Lower Lakes area. Generally, Riverland producers and irrigators have always been resilient and positive. Throughout my life I have not seen the Riverland region under such stress—and I have had a lifelong association with that region. I cannot recall any other period where there has been such a widespread impact on horticulture and associated industries.

I heard a call the other day from within the Riverland community, highlighting the fact that the government does not recognise the social impact on the community. I talk particularly about the Riverland, but I know it applies right the length of the river. I think most people in this place understand my concern with the threat of suicide and the need for more work to be done in the area of suicide prevention, and I take this opportunity to urge the government and the new minister to take that into account and make sure that community-based schemes are put into operation to address the widespread distress people are experiencing, despite that resilience and positive attitude that I mentioned earlier.

In conclusion, a different COAG agreement should have been signed in which all states referred their constitutional powers to the commonwealth without any state veto and having a truly independent Murray-Darling Basin authority established to manage the river in the best interests of the nation. I support the second reading of both bills.

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (22:11): At this point I seek to move the bills through the parliament as expeditiously as we possibly can, as it is important legislation and South Australia has made a commitment to endeavour to get it through both houses of parliament by 1 November. In closing the debate I take the opportunity to address some of the issues that have been raised by members in this place in relation to the independence and roles of the authority. There has been considerable rhetoric in relation to the independence of the new authority. It is important to make very clear what these referral powers do and what the independent authority will have the ability to do.

The authority will be an independent expert body reporting to the federal minister for its functions under the commonwealth Water Act. The new authority is quite different from the existing Murray-Darling Basin Commission, which is comprised of state officials who have represented states' interests in the past. The authority will have two clear roles: first, to develop and enforce the basin plan and, secondly, to take on the functions of the Murray-Darling Basin Commission.

The federal minister is the final decision maker on the basin plan, and there is no veto power by the ministerial council or the states on the development of the basin plan. It is important to point out that it would be inappropriate to give all decision making in relation to the Murray-Darling Basin to non-elected members of the community. We have a strong view that at the end of the day there must be an elected member in the federal parliament with whom the buck stops. However, the federal minister cannot direct the authority in relation to the basin plan on matters of a factual or scientific nature, the assignment of risk to the commonwealth related to reductions in allocation or about monitoring of compliance or enforcement of the basin plan.

These restrictions on the direction power of the minister are set out in sections 44(5) and 175(2) of the existing commonwealth Water Act 2007. When the basin plan is tabled before a house of the parliament, the minister must table any directions to the authority. This ensures that the minister is accountable for any directions given to the authority. In relation to the role and powers of ministerial council, it has an advisory role with respect to aspects of the plan that may affect the social, environmental and economic outcomes of the state, but it does not have veto power.

When making changes to water available for diversion, potentially there will be significant impacts within communities. It is only appropriate that there be consultation on the changes those communities will have to live with. Under the referral of powers the authority also takes on the role of the Murray-Darling Basin Commission in managing the river operations for the shared surface waters of the River Murray and the Menindee Lakes system of the Lower Darling River on behalf of the basin states and the commonwealth. In this role the authority is both managing the river to distribute water to the states in accordance with the state water shares and managing the assets

owned by the states. Decisions made by the authority can affect the timing, delivery and quality of water being sent down the river to South Australia and to the other states.

As such, it is appropriate that the basin states continue to have appropriate involvement in this decision-making. If we did not have that appropriate involvement, it could be an arbitrary decision of a body that sits over in Canberra to change the delivery and timing of flows into South Australia, which may not meet the needs of our communities.

Dealing with state water shares and South Australia's 1,850 gigalitres minimum entitlement flow, I point out that, in regard to state water shares, the basin plan will set the available amount of water in the longer term, and also seasonally each year—it will determine the size of the bucket. The state water-sharing arrangements that distribute that bucket will remain the same and require agreement by all the states to change the shares. Currently, 50 per cent of the shared water resource goes to New South Wales and 50 per cent goes to Victoria collectively, and they must supply South Australia with our minimum entitlement of 1,850 gigalitres. South Australia has to agree before there is any change to our state water share, as defined by the Murray-Darling Basin Agreement and the subsequent Murray-Darling Basin Ministerial Council and Commission decisions.

The mechanism used involves a text-based referral. The process of referral of powers based on specified text is consistent with the approach taken for other complex referral legislation, such as the corporations and the terrorism legislation. The text-based referral is important because of the need for consistency across the states in relation to the text that is referred to the commonwealth. South Australia has shown leadership by being the first state to introduce this legislation in the parliament and to table the amendments to the federal government's Water Act 2007. The tabling of that document was done in the other place over a month ago, to enable members opposite and, indeed, members on the crossbenches to read and absorb it and seek whatever briefings they needed. A termination clause is included as a standard clause and was included in the recent referrals, such as the corporations and the terrorism legislation. It is a standard procedure in such legislation because constitutionally this parliament cannot bind future parliaments.

In regard to environmental water, the basin plan will set sustainable diversion limits on the quantity of water that may be taken from the basin's water resources. This will ensure that a greater quantity of water is available for environmental needs. The plan will provide for a comprehensive environmental watering plan that will coordinate the management of environmental flows throughout the basin and ensure that environmental assets are protected. This includes environmental water recovered by the commonwealth and basin states under water recovery programs, such as the Living Murray initiative and the Water for the Future program. It must seek to improve the health of all Ramsar sites, including (importantly) the Lower Lakes, the Coorong, the Murray Mouth and other key environmental sites in the basin.

Access to storage upstream to carry over and store water for critical human water needs and private irrigation is also a critically important component of the reforms which does not exist currently. Currently, South Australia has no ongoing access to storage capacity and it is forced to negotiate to seek approval from the other states for this access on a case-by-case basis. That is not an effective way for us to manage our resources and our available water. This will allow the state to carry over and to store around 300 gigalitres of water for critical human water needs (18 months' supply) and to deliver this water in times of low flows, reducing the risk of a major failure in the supply of potable water to South Australia. There are provisions about that storage that say it should not impact upon the capacity of New South Wales' and Victoria's ability to store water. What that effectively means is that, when the dams are spilling, South Australia's water will be the first to spill (if it spills), or we can call that water down and store it in other places, such as Lake Victoria, or other storages, for subsequent use.

What else does this package deliver that we didn't have before? There are a number of things the basin plan does that it did not do before. The basin plan will now have to be prepared with regard to critical human needs water being the highest priority use of water. Critical human needs include core human consumption requirements in urban and rural areas and non-human consumption requirements that, if not met, would cause a prohibitively high social, economic or national security cost. The details around the critical human water needs will be determined under the basin plan, including the amount of water required in New South Wales, South Australia and Victoria to meet the critical human needs of communities dependent on the River Murray system

and specify arrangements for carrying over water in storage. Each of the states will remain responsible for securing the water to meet critical human water needs.

The basin plan must be prepared to ensure that conveyance water (that is, the water required to deliver the critical human needs water to where it needs to be extracted) will receive first priority from the water available in the system—not just South Australia's dilution flow but the entire component of conveyance water across the basin—for all critical human needs. South Australia is guaranteed dilution flow under the current agreement, but this does not deal well with drought conditions.

In some years, there may not even be enough water to meet conveyance water; therefore, the changes make it mandatory that the basin plan sets in place arrangements for identifying the risks, setting aside a reserve and maintaining that reserve not just on an annual basis but over several years. This does not happen under the existing arrangements. The reserve policy will take into account inputs from the key tributaries of the Murrumbidgee, Darling and Goulburn rivers, which does not currently happen.

The basin plan must now specify arrangements for monitoring matters relevant to critical human water needs, including water quality and quantity, ecosystem health and social impacts on communities. The basin plan must also now assess and manage risks to critical human water needs, including the inflow predictions to the River Murray and the Snowy Mountains hydro scheme, which transfers significant net quantities of water into the Murray-Darling Basin.

The basin plan will now also provide for that all important inter-annual planning to inform decisions about how water is made available for all users in order to meet critical human water needs in future years. That is in addition to what the basin plan must already do in relation to the mandatory requirements of the existing commonwealth Water Act 2007. There are also significant enforcement requirements.

In relation to the length of time to develop the basin plan, members have criticised the length of the time (2011) it will take to have a basin plan. The basin plan was never intended to address contingency planning for the current drought. It was about planning for the longer term governance and for the better management in the medium to longer term of the Murray-Darling Basin system. A process is in place currently that was established in November 2006 where we are dealing with drought issues. What this plan and this referral of powers will do is ensure that, when we are faced with a drought like we have now again in the future, and as climate change impacts on the available resource, we will be better prepared to deal with that.

The basin plan will provide the foundation for re-establishing the sustainable management of the Murray-Darling Basin water resource. It will include long-term sustainable diversions—limits, caps—that are enforceable by the authority. It will include the identification of risks to the basin water resources, including climate change and land use change. It will establish an environmental watering plan and a water quality and salinity management plan. It will establish water trading rules. It will provide for addressing critical human water needs and it will put in place substantial monitoring arrangements right across the basin.

The reforms will also establish a three-tier system under the Murray-Darling Basin Agreement for sharing water in the River Murray system and the key tributaries under normal, low water availability and extreme drought conditions. The plan, the reform package and this entire new governance arrangement to which all states in the commonwealth have agreed will assist us to better manage the system into the future. It is critical for the environment, the irrigators and the communities that rely on the basin's water resources that the new authority gets the plan right. This will require scientific and socioeconomic analysis, as well as extensive public consultation. In particular, consultation with affected communities will be important to the authority's considerations in setting sustainable surface and groundwater diversions limits.

The plan is due in 2011. To prepare a plan in less time will result in a potentially inferior outcome with far-reaching consequences for those affected communities.

I understand that honourable members have indicated that they have specific questions they will raise during the committee stage of this bill, and those questions will be responded to at that time.

It is an extremely important legislative package that will take us through to a new age in relation to the management of the Murray-Darling Basin. This is the first government in 100 years

that has been able to achieve a referral of powers to the commonwealth to manage the water resources of the Murray-Darling Basin. It has not been achieved before; it is historic.

This government has underpinned changes for the betterment of the future of this nation and for the betterment of the security supply to all our communities and the environment of the Murray-Darling Basin in the longer term. I am very pleased to say that it is legislation to which members have given their support.

In conclusion, I thank the many people who have been involved in getting us to this stage in the negotiations with the commonwealth and other states and the work that has been undertaken within the South Australian government. I thank the Premier and the Minister for the River Murray for their great leadership in driving major reform of the Murray-Darling Basin. I thank parliamentary counsel and the ministerial and departmental staff who have worked so hard to get this legislation to this stage. Negotiations have gone on for nearly two years, and they have resulted in major reform that will see us in good stead in the future.

I look forward to much better outcomes for the health of the River Murray, and I am sure all members join me in those sentiments, and I look forward to the underpinning of the security of supply to all users in the system, for irrigators, for human consumption and also for the environment.

Bill read a second time.

GENE TECHNOLOGY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 October 2008. Page 288.)

The Hon. S.G. WADE (22:30): I rise to indicate the opposition's support for this bill, which enacts the national regulatory regime agreed by the Gene Technology Ministerial Council in 2006. The corresponding commonwealth act took effect on 1 July 2007, and I understand that all other states (bar Western Australia and South Australia) passed the corresponding legislation.

In that regard I note the government's desire for this legislation to be passed post haste, which we consider to be hypocritical considering that all other states have passed similar legislation but we are only now debating this bill. As with several other pieces of legislation, the tardiness of this government means we have to consider legislation with undue haste, which is dangerous and often leads to errors. However, that aside, the opposition does not take issue with this relatively straightforward piece of legislation. Primarily, the bill makes two amendments. The first relates to the emergency powers extended to the relevant government minister with respect to GMOs. These emergency powers give the federal minister the ability to expedite the approval to deal with GMOs. The example given by the government was that of the recent equine influenza epidemic. The federal minister exercised emergency powers in relation to the vaccine for the horse flu to allow the genetically modified vaccine to be used without delay.

Whilst the influenza, no doubt, had a large and adverse impact on the horse racing industry and other primary industries, the expeditious use of the genetically modified vaccine mitigated the impact of the outbreak. The opposition believes that these emergency powers agreed to by the ministerial council are appropriate and we, therefore, support them. The other key element of this bill is the streamlining of the licensing process for field trials of GM crops. As I understand it, anyone wishing to deal with a GMO must apply for a licence to do so and, as part of that licensing process, there is a risk assessment by the regulator and a requirement of public consultation, which includes allowing the public to make submissions to the regulator.

After consideration of the application and any submissions received as part of the public consultation, the regulator may then approve or reject the licence application. My colleagues have suggested that this process takes approximately 12 months from beginning to end. This bill aims to maintain that process with regard to commercial crops but truncate the process when dealing with field trial crops. It does so primarily by removing the initial public consultation requirements. Obviously, this is designed to assist the scientific development of GMOs, which is considered to be low-risk dealing, whilst still maintaining the process with regard to high-risk commercial crops. Again, the opposition supports these provisions which we regard as common sense.

There are several other minor amendments which the opposition also supports. As I said at the beginning, the opposition supports the bill, although we do regard this as yet another example of a government that cannot manage the state and cannot manage the parliament or its legislative

program. There is no excuse for this tardiness; the government has had long enough to learn the ropes. Hasty legislation is not good government.

Debate adjourned on motion of Hon. R.P. Wortley.

MURRAY-DARLING BASIN BILL

Adjourned debate on second reading.

(Continued from 28 October 2008. Page 428.)

The Hon. SANDRA KANCK (22:35): I understand that we are making speeches that will deal with matters raised in both the Murray-Darling Basin Bill and the commonwealth powers bill, although it is not a cognate debate in the formal sense. However, rather than my making two speeches that are closely related, I will make one speech to deal with both bills.

The fact that we are debating these two bills in 2008 is an indication of the 'head in the sand' approach of the federal, South Australian and other state governments involved with the Murray-Darling Basin. Our state government keeps saying that no-one could have foreseen the current situation we are in with respect to water. It keeps talking about drought, rather than climate change, and I find that extremely strange. When I was briefed on these bills, the Minister for Water Security indicated that it was drought on top of climate change, but I am not sure of the scientific accuracy of that claim.

I reject what the government has said on numerous occasions—that no-one could have foreseen the situation we are now in. In 1988 (20 years ago), my party, the Democrats, held a National Greenhouse Conference here in Adelaide. One of the speakers was Professor Barry Pittock of the CSIRO, and the predictions he made in 1988 were very similar to the predictions that are coming out of the IPCC now. So, the information was there, and governments—successive South Australian governments, both Labor and Liberal—have ignored the advice and the evidence. There were plenty of talkfests but little action.

In 2004, on behalf of my party, I started calling for the federal government to take control of the Murray-Darling Basin. I suggested that, as the current situation was set out in the federal constitution, it would need to be by referendum. It is interesting to reflect that, in the time leading up to the establishment of a national constitution and federalism, in 1897 and 1898 the South Australian government argued that the impending federal government should take control of the rivers of that system. So, the more things change, the more things stay the same.

Coming back to this suggestion that no-one could have foreseen the situation we are now in, a few years ago the Australian Greenhouse Office issued a paper stating that the River Murray would have 20 per cent less water by 2030; no-one seemed to react to that. I wonder where the leaders were in government to put two and two together—the 'two and two' being climate change, on the one hand, and, on the other, the increasing demands being made on the Murray-Darling Basin as a consequence of population growth, lifestyle demands and irrigation.

I continue to be amazed that our state government, with bipartisan support from the opposition, argues for a yet greater increase in population. We are not matching our water supplies to the population numbers we currently have, and I see no evidence that we will be able to reduce our use of water, and reduce our demands through our lifestyle, to the extent that we can sustain that increase in population.

There have been committees, inquiries, communiqués, reports, seminars and conferences, mostly to no avail. Governments were slow to act, and so much of what was taken was too little too late.

In 1995, a meeting of the Murray-Darling Basin Ministerial Council agreed to a cap on the diversion of water from the basin. After that was set up, it was reviewed again in 2000. Everyone now agrees—with 20-20 hindsight—that the cap that was set was much too timid. It is not clear historically—and I guess history will look at this in the longer term—whether the governments lacked knowledge, courage or the intelligence to work out what exactly was happening.

Almost four years ago, in November 2004, the CSIRO released a report entitled 'Quantifying and valuing land-use change for integrated catchment management evaluation in the Murray-Darling Basin 1996-97 to 2000-01'. This should have rung very loud alarm bells about the burgeoning over-allocation of the system. I will read some of the findings of that report, and this is looking at the increased uses of water in the basin over a four to five-year period.

The total water requirement of irrigated agricultural land uses in the Murray-Darling Basin in 1996-97 was 9,346 gigalitres, which increased by nearly 29 per cent to 12,050 gigalitres in 2000-01. The total area of irrigated agriculture reported was 1.5 million hectares in 1996-97 and 1.8 million hectares in 2000-01, which was an increase of 22 per cent. Areas of irrigated dairy pasture expanded by some 217,000 hectares, a 71 per cent increase, which was astounding. Total water requirements of dairy increased by 1,730 gigalitres to a total of 4,194 gigalitres in 2000-01. Areas of irrigated cotton expanded by 108,000 hectares, a 36 per cent increase; and the total water requirements of cotton increased by 729 gigalitres to a total of 2,856 gigalitres in 2000-01.

It is interesting to note the figures about the profitability for all of that extra water use. The total profit at full equity from agriculture in the Murray-Darling Basin in 1996-97 was $3.856 billion, which decreased slightly to $3.732 billion in 2000-01. The net economic returns to agriculture in the Murray-Darling Basin in 1996-97 totalled $3.192 billion; this increased slightly to $3.199 billion in 2000-01. That comes out of the executive summary of that particular document. So, there are some very interesting figures there about this dramatic increase in the use of water from the basin in that four to five-year period, with almost no economic gain coming out of that.

What those figures do reveal, of course, is the enormous over-extraction that was occurring in the basin. The Natural Resources Committee, on a motion of mine carried by this chamber last year, has been looking at the upstream use of water, particularly by irrigators, to gain a better understanding of the impacts in South Australia.

This year, we made site visits to Mildura. Kerang, and Shepparton in Victoria; Dareton, Gol Gol, Deniliquin, Menindee, Burke, Moree, Griffith and Coleambally in New South Wales; and Goondiwindi and St George in Queensland and, in particular, the notorious Cubbie Station. I have learned a great deal from these trips, including the fact that the Queensland government actively encouraged farmers to build large 'ring' dams, as they call them. I am not sure why they are called ring dams because they are actually square or rectangular.

The Queensland government's position was that it was not willing to pay the cost of building the infrastructure of large reservoirs, and so it actively encouraged the private sector to build their own relatively large dams. That happened to a lesser extent in New South Wales. Certainly at Moree we saw some very large ring dams as well.

When we visited Coleambally in New South Wales, I discovered that the town was, I think, set up only 40 years ago. There was a sign indicating that the town was celebrating its 40th birthday, and it was set up by the New South Wales government to be a town that lived exclusively off the profits of irrigation.

It was also very interesting to discover that in Queensland, in particular, it is only 20 years since the farmers took up irrigation. Prior to that they were either dryland farmers or graziers. Now that they have put that money into their storage systems, it is not something that they will step back from lightly. The message that they gave us is that, yes, they will get out of it provided enough money is paid to them. They made it very clear that the price that they would be expecting would be extremely high and probably out of the reach of government.

We met some angry irrigators like those at Deniliquin who were about to enter their third year of zero allocation of water, while about an hour's drive away at Griffith those irrigators were getting 95 per cent of their allocation. I think that may have had something to do with low-security and high-security water. The Deniliquin irrigators did not elaborate regarding whether it was high or low security, but I can tell members that in our early discussions they were extremely angry and had no sympathy for South Australia. In fact, they expressed a great deal of resentment that people in Adelaide were able to water their gardens for three hours a week when they had no irrigation entitlement whatsoever.

They settled down after we had dinner, and a few glasses of wine later they in many ways expressed surprise that a South Australian parliamentary committee had gone over there to hear their side of the story when they had not succeeded in getting the New South Wales government to listen to them.

However, in looking at these various irrigation schemes and towns within the Murray-Darling Basin we saw that each irrigator and each irrigation scheme was doing its own thing—obviously looking after its own and maximising its profit. There was no consciousness 20, 30 or 40 years ago that there was a medium-sized city called Adelaide at the end of that system that needed some of that water or that there was a Ramsar wetland at the bottom that would

desperately need that water. All they were doing was earning a living. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

At 22:52 the council adjourned until Thursday 30 October 2008 at 11:00.