LEGISLATIVE COUNCIL

Thursday 3 May 2007

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11.02 a.m. and read prayers.

STANDING ORDERS SUSPENSION

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

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

Motion carried.

CRIMINAL LAW (SENTENCING) (DANGEROUS OFFENDERS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. P. HOLLOWAY: The government will be moving a number of amendments to this bill. I referred to them in my second reading response when the bill was debated prior to the prorogation of parliament. I will indicate the nature of the amendments the government will be moving to clause 3, which will give the opposition and members of other parties the opportunity to examine them before debating them in detail. I will use clause 1 to outline the government's thinking on this. There are three amendments in all, with the first to clause 8 of the bill. These amendments address two related matters raised by the Law Society and members of this place and another place during the second reading debate on the bill. The substantive amendment is amendment No.3, with Nos 1 and 2 being consequential. These amendments go together and as such amendment No.1 should be treated as a test amendment.

The two related matters addressed by the government's amendment are the impact of proportionality in sentencing and the use of an exceptional circumstances test to determine when a sentencing court may impose a nonparole period below that of the relevant new statutory minimums. The principle of proportionality says that a sentence should be proportionate to the gravity of the crime committed by the offender. In fixing the nonparole period for an offence, the sentencing court must at common law have regard to this concept, just as it must when fixing the head sentence.

The government's policy is that the mandatory minimum nonparole periods that will apply to the offences of murder and serious offence against the person and related conspiracy in aiding, abetting, counselling or procuring offences should be treated by sentencing courts as the nonparole periods appropriate for offences at the lower end of the range of objective seriousness, and that there should be a corresponding increase in the nonparole periods fixed in respect of more serious cases of murder and serious offences against the person, being those in the middle and at the upper end of the range of objective seriousness. Advice received by the government about the principle of proportionality suggests that, notwithstanding the policy intention, sentencing courts may not react by increasing proportionately the nonparole periods for offences in the middle and at the upper end of the range of objective seriousness. Proposed new section 32A, inserted by government amendment No. 3, addresses this concern.

As to the exceptional circumstances test, the DPP and the Attorney-General's Department have advised that, if interpreted narrowly by sentencing courts, new sections 32(5)(ab) and 32(5)(ba) may not provide sufficient scope to allow a sentencing court to reduce a nonparole period below the mandatory minimum where the defendant pleads guilty to the offence or cooperates in the investigation or prosecution of the offence or a related offence. This is also addressed in new section 32A.

Government amendment No. 1 is consequential upon government amendment No. 3, and it reflects the fact that the circumstances in which a sentencing court may fix a nonparole period for murder, as defined, that is less than the prescribed mandatory minimum are set down in new section 32A. Government amendment No. 2 is consequential upon government amendment No. 3, and it reflects the fact that the circumstances in which a sentencing court may fix a nonparole period for a serious offence against the person, as defined, that is less than the prescribed minimum, are set down in new section 32A, inserted by government amendment No. 3.

Government amendment No. 3 inserts a new section 32A into the act. New section 32A addresses the concerns about the application of proportionality and the exceptional circumstances test. Subsections (1) and (2)(a) deal with proportionality. Subsection (1) provides that, if a mandatory nonparole period is prescribed for an offence, the period prescribed represents the nonparole period for an offence at the lower end of the range of objective seriousness. Subsection (2)(a) provides that a court may fix a nonparole period that is longer than the prescribed minimum if satisfied that that is warranted because of any objective or subjective factors affecting the relative seriousness of the particular offence. Subsections (2)(b) and (3) deal with the exceptional circumstances test.

The combined effect of these new provisions is that a sentencing court may fix a nonparole period that is less than the prescribed minimum if satisfied that special reasons exist for doing so. Special reasons are limited to:

- the circumstances of the offence;
- if the person pleaded guilty to the charge of the offence, that fact and the circumstances surrounding the plea; and
- the degree to which the person has cooperated in the investigation or prosecution of that or a related offence, and the circumstances surrounding, and likely consequences of, any such cooperation.

I should stress that these amendments do not change the government's policy or the policy in the bill: they give effect to it. They result from highly technical sentencing matters raised as a result of consultation with a number of experts on the bill. I trust that that explanation of those amendments which have been tabled by the government will assist in debating this matter when we proceed to that stage.

The Hon. R.D. LAWSON: I thank the minister for placing on the record the purport of the government's amendments. These are very significant amendments, and they significantly change the bill. We received notice of these changes yesterday, and I am glad that the minister has agreed in discussions that the committee stage should be adjourned to enable the opposition and other members to examine more closely these significant amendments, and also to consult with the Criminal Law Committee of the Law Society and other persons who are interested in this issue.

Progress reported; committee to sit again.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

In committee.

Clause 1.

The Hon. M. PARNELL: My question relates to process. I thank the government for providing a couple of brief amendments which we received a couple of days ago and which we are ready to consider. I have just now been given 187 amendments, which I have not had a chance to go through. I wonder whether the government is amenable to adjourning the bulk of the committee stage until we have had a chance to look at those.

The CHAIRMAN: I understand a lot of those amendments, in the name of the Hon. Mr Stephens, are just changing the name from the Housing Trust to the South Australian Housing Board.

The Hon. T.J. STEPHENS: As I understand it, the Liberal Party has some concerns about the removal of boards provided for in the bill. We intend to try to ensure that there is an overarching board that the minister will be responsible to rather than the minister having overall responsibility without really being scrutinised by anyone in particular. That is the intent of our amendments.

The CHAIRMAN: Just for the benefit of members, the first amendment in the name of the Hon. Mr Stephens is a test and if that is carried or defeated a lot of those other amendments will fall by the wayside or be automatically included.

The Hon. P. HOLLOWAY: As I understand it, the great bulk, if not all, of the amendments relate to that one issue, which is, I think, one that members should understand fairly quickly. If any amendments raise new issues that go beyond that—and I am not sure that there are—we could look at those questions then. I would think that, if we could at least proceed to have the consideration of the first matter, most of the other amendments would go. So, I hope we can proceed on that basis. I will address the argument to the amendment when it is formally moved.

The Hon. T.J. STEPHENS: Given our concerns about the removal of all boards, and I believe that the government has talked about installing an advisory-style board, the Liberal Party is concerned that that advisory group would have no teeth and would basically be appointed by the minister. So, there would appear to us to be no real level of scrutiny. The danger, of course, is that, if somebody was unhappy with the government's position in a particular area, you would not have to be Einstein to realise that the government would only have to replace that adviser. Any protections that we thought should be in place are not in place.

The CHAIRMAN: Just before you get on to that, we are not yet on the amendment of the Hon. Mr Stephens.

Clause passed.

Clauses 2 and 3 passed.

New clauses 3A and 3B.

The Hon. T.J. STEPHENS: I move:

New clauses, page 5, after line 5—

Insert:

3A—Amendment of long title

Long title—after 'the continuation of the South Australian Housing Trust' insert: as the South Australian Housing Board.

3B—Amendment of section 1—Short title

Delete 'South Australian Housing Trust Act 1995' and substitute: South Australian Housing Board Act 1995.

As I indicated in my second reading speech, the Liberal Party quite strongly opposes the intent of the breaking down of what we saw as a very workable institution in the Housing Trust. We are very concerned about the government's position with regard to withdrawing a lot of scrutiny from stakeholders. Basically, we are moving this amendment to ensure that at least we get some sort of process of transparency and accountability.

The Hon. SANDRA KANCK: I understand that this is a test amendment and, as such, it is a very important amendment, because what the bill does is to effectively dismantle the Housing Trust. This amendment is, I think, a precursor to a series of amendments to ensure that the Housing Trust continues. I have to say that I am delighted that the opposition is moving these amendments. I had thought to do something similar myself but initially had never expected this sort of response from the Liberal Party. I recall in the 1990s dealing with similar legislation from the then Liberal government that was also trying to get rid of the Housing Trust, and we succeeded in saving it then.

It does concern me that the government is attempting to disable the Housing Trust through the processes of this bill, but it should not surprise me, I suppose. One of the early moves of the Rann Labor government after it was elected was to get rid of the Passenger Transport Board. It argued that it would make things more effective if the minister had direct control. Of course, we have seen that the evidence is to the contrary: the public transport situation in South Australia lacks any cohesive plan and really lacks any accountability. Although I have great respect for the minister, Jay Weatherill, I suspect that over time we would see a similar pattern emerging with the Housing Trust and housing in this state, as has happened with transport by the removal of the Public Transport Board. There seems to be a pattern emerging, because the government is now also trying to get rid of all the hospital and health service boards.

I am delighted that the Liberals are putting back this level of accountability into the bill, because in the end that is really what it is about; it is about accountability. As soon as you remove boards you put all the power into the minister's hands and, whereas we now get an annual report from the Housing Trust, that report would be prepared by the minister and the minister's chief executive—and I think there would be very large opportunities to hide the truth of what is happening in that report. I welcome this move by the Liberals and hope that others will support it so that we retain the Housing Trust in South Australia.

The Hon. P. HOLLOWAY: What an extraordinary comment from the Hon. Sandra Kanck; I suppose one would really expect that of her, with her—

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: Because this will do the complete reverse. The argument we have just heard from the Hon. Sandra Kanck is crass stupidity. Let us think about what is happening here, about accountability. The Hon. Sandra Kanck wants government to be accountable but have non-elected boards making decisions—a bit like the State Bank, actually. In fact, it is probably no coincidence that this Legislative Council, back in the 1980s, insisted that we had the State Bank board, and we know what happened there.

This legislation results in the establishment of a direct line of accountability from the chief executive to the minister for the delivery of housing services, and from the minister to the parliament. So a minister in here, through the CE, will be directly accountable, because they can actually make

decisions; however, the Hon. Sandra Kanck wants the minister to be accountable, to be blamed for everything that happens, but have no power to make it happen. That is Sandra Kanck's notion of accountability.

The CHAIRMAN: Order! The minister will refer to the member as the Hon. Sandra Kanck.

The Hon. P. HOLLOWAY: I just think it is extraordinary, but it is important that the message get out to the people of South Australia what this council is all about. It is not about accountability. Members keep repeating that and hoping that there are enough mugs out there in the electorate who will actually believe it—in fact, they are voting for the worst choice. They are saying to get a board, so a minister has less say over what would happen but, of course, gets blamed for it. That is the sort of Democrat politics they play; it is about politics, not about accountability. I am quite happy to be held accountable for decisions I make, but why should governments be held accountable for decisions over which they have no control?

This legislation results in the establishment of a direct line of accountability from the chief executive to the minister for the delivery of housing services, and from the minister to the parliament for the administration of the act—like we do in most other areas of government. It replaces an arrangement we now have that includes three boards, a CE and a minister with distributed powers and a limited ability for government to run this as a single, integrated housing system. So, of course, the Hon. Sandra Kanck and opposition colleagues will be getting up here saying, 'Look at the housing system; it is not integrated. Things are happening.' However, when we try to do something about it they vote against it.

That is what these people are about; this is their new philosophy: wreck the economy and make it difficult or impossible for government to govern and then blame the government for it. That is their politics. What we have not heard from them are any suggestions whatsoever about improvement. What do the people opposite say about affordable housing; what are they doing for it? It is one of the most serious issues in this country today, and their solution is to just keep doing it, keep the structures as they are, as they were invented 50 or 100 years ago. Keep them like that, and do not let the government govern but blame it when things go wrong.

I appeal to the committee to let the government govern and let the changes be made so that we can do something about affordable housing in this state and not keep structures that are outmoded, outdated and no longer applicable if we are to address one of the most serious social crises in our country today. Does Sandra Kanck or the opposition not want us to fix this?

The Hon. NICK XENOPHON: In recent weeks I have had the benefit of discussions with the minister's office in relation to this bill and also regarding some amendments which I propose and which, I understand, have not yet been filed but which the opposition and my cross-bench colleagues will shortly receive. The first amendment is in relation to clause 19, and both the minister's office and the shadow minister have received those amendments. I apologise that they have not been filed; however, they will be shortly.

In relation to the issue of the board, I am inclined to support this amendment, and I will outline why that is. I understand the Hon. Mr Holloway's concerns and his passion for affordable housing, and I think we all share that passion. It is a major social crisis, and there are myriad reasons for it. This bill seeks to tackle some of those reasons, but the question of the efficacy of those measures is something that ought to be debated down the track. I am sympathetic to the idea of some flexibility in a planning sense (taking into account concerns about heritage and other issues), but with some flexibility for affordable housing to be spread throughout the community so that we do not have what some commentators have described as public housing ghettoes. So I have some sympathy for what the government is trying to achieve, but the manner of it, and how effective that will be, is something that should be canvassed when we get to it.

The key issue here relates to the whole matter of the board structure. I beg to differ with the minister, in that, if you had a statutory authority such as Housing SA (because it will continue to be a statutory authority and, as I understand it, continue to be subject to the purview of the Statutory Authorities Review Committee), it would be desirable to have a board structure that oversaw its operations. But, of course, that board has an obligation to report to the minister.

I believe that having that level of board scrutiny and board input working in conjunction with the minister could be very useful in the context of delivering the best outcomes—it is another layer of scrutiny—and I do not see that as wrecking what the minister is intending to do. I would like to think that, if the government does not support this particular amendment, it is at least open to an alternative level of scrutiny. However, at this stage, I see the opposition's amendments as being preferable to what is proposed by the government.

I would like to place on the record my appreciation for the briefings I have had from the government, in particular from Simon Blewett, one of the minister's senior advisers on this matter. However, I have not been convinced by the arguments that we should abandon entirely the current board structure. If the current board structure has not worked as well as it should—

The Hon. Sandra Kanck: You appoint different people.

The Hon. NICK XENOPHON: The Hon. Sandra Kanck makes the point that you appoint different people. Perhaps to enshrine in the reporting mechanisms in the legislation a more direct degree of accountability, in a sense, between the board and the minister might be appropriate. I note my colleague the Hon. Dennis Hood has something to say on this, and I do not want to delay any further his contribution. I would like to think that we all want the same thing, which is to have better outcomes.

I am concerned that the only port of call, in a sense, will be the minister's office for matters of housing estate disputes, particularly with disruptive tenants. On my database, there are something like 220 constituents who are dealing with disruptive tenancy issues, some of them representing households of four or five people. When the member for Enfield (John Rau), who has a significant public housing component in his electorate, tells me that it still makes up one of the most significant parts of constituent work in his electorate, I do not want to lose the opportunity to have a board structure. They are my views, but I am open to further discussion and debate. It is not about wrecking what the government intends in this matter. I think it is important that we keep that level of board accountability in the context of public housing in this state.

One of the questions I put to the minister (and he might not be able to answer it immediately) is whether other states have followed a similar proposal to that proposed by the government in relation to public housing authorities or are we following what other states have done? What other states have done should not be the be-all and end-all, but I just want

to see whether there are any precedents in relation to public housing in other commonwealth jurisdictions in terms of abandoning or dismantling the board and going down this more direct path between the minister, the authority and the CEO so that there is a greater degree of control with the minister and the CEO having a greater degree of authority. If the minister is unable to answer now, can he take on notice the question of whether other states have gone down this path and, if so, what the feedback has been in relation to that? I would be grateful for a response.

The Hon. P. HOLLOWAY: My advice is that, in fact, every other state in this commonwealth does not have a board structure and has accountability to the minister and the CEO. It appears that we are the odd one out again.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, that is what Tom Playford did in the 1930s, but it is now 2007.

The Hon. D.G.E. HOOD: I just want to make a comment on the process here. I spoke with the Hon. Mark Parnell a moment ago. We have just been handed a series of what are obviously very significant amendments to the nature of the bill. It is difficult to reach a decision which we can be 100 per cent confident is the right decision when these things are presented with no notice whatsoever. As has always been the case and will continue to be the case, when Family First has not had time to properly consider amendments, our position is that we will oppose any changes. Barring the government being inclined to report progress to give us significant time to consider these issues, Family First's position is that we oppose the amendments.

The Hon. M. PARNELL: My view is similar to that of the Hon. Dennis Hood in that I think these are significant amendments. I want to place on the record my appreciation to the minister personally and his staff for the various briefings I have had. Some of the concerns I raised were in relation to the structure of the new Housing Trust; for example, how independent it would be, how it would operate and who would be appointed to it. As a result, the government has tabled some amendments which do go towards some of my concerns.

I know that we are not talking about the government's amendments now, but I will refer to them. One amendment talks about consultation that this new Housing Trust will undertake and the other talks about some of its powers, in particular the power to act with some independence in relation to its advice to the minister. My inclination was to support those government amendments, but I did not have the benefit of the Liberal amendments, which seek to put in place a more independent model. Unlike the Hon. Dennis Hood, in the absence of time to consider this in more detail, my inclination is to support these amendments, because it does go towards independence.

The other point I make at this stage is that, having had quite thorough briefings with the minister and his staff, there are a great many aspects of this bill that I think are positive and I would like to support. I think some of the legislative covenant provisions are quite exciting and could work really well in relation to affordable housing. However, at the end of the day, the structures are important, and I would like a little more time to consider the appropriate structure. I also want to say that, whether or not we have the Liberal South Australian housing board or the government's modified South Australian Housing Trust, neither of those models would guarantee that houses will not be sold off. Neither of those administrative models would necessarily lead to the provision of more rather than less affordable housing. In the absence of more time to consider in detail the Liberal proposals, from a quick glance, having had the amendments for a few minutes, my inclination is to support them.

The Hon. P. HOLLOWAY: In view of the concerns expressed and given that people want more time I will move that progress be reported. I think it really is unfortunate because this bill has been around since it was introduced in the House of Assembly in 2006, so it is extraordinary to get these sort of amendments at the last moment and reflects very poorly on this place, I would suggest.

Progress reported; committee to sit again.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 2 May. Page 82.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): In his speech on the opening day of parliament, the Lieutenant-Governor when speaking about the governance of the public health system said that the government will improve it through a new health care bill and that an Independent Health Performance Council will be proposed.

South Australians are paying for the Rann government's mismanagement of health care. We have the highest rate in the nation of re-admissions to hospital with the same complaint, and emergency department waiting times are above the national average. In fact, the Productivity Commission's Government Services Report of 2007 shows that South Australia has the highest percentage of unplanned re-admissions in the nation. Unplanned re-admissions to hospital are caused by poor levels of care, inadequate initial treatment, and being sent home too early from hospital. Of every 100 South Australians admitted and discharged from hospital, 4.8 per cent are re-admitted for further treatment for the same condition because it was not properly dealt with in the first place.

The report also highlights the Rann government's mismanagement of health, as patients admitted to emergency departments for urgent care are being left to languish untreated. South Australia is the second-worst performing of all states in four out of the five triage categories for care in emergency departments. Patients who need immediate attention, or patients who need attention within the first 10, 30 or 60 minutes of admission, are not getting the care they need.

In emergency cases, only 72 per cent of South Australians are seen within the required time of 10 minutes—the national average is some 76 per cent; only 58 per cent of South Australians needing urgent treatment are seen within 30 minutes—the national average is some 64 per cent; and, whilst 62 per cent of patients in the semi-urgent category are seen within the required 60 minutes, the national average is 65 per cent. As one can see, we are some percentage points behind the national average in four of those five categories. Overall, only 63 per cent of patients who present at South Australian emergency departments are seen within the recommended response times. Despite spending the most on health care per person and having the highest ratio of full-time medical practitioners in the nation, the quality of South

Australia's health care is still dragging behind the other states.

I would also like to mention the proposed change of role for country health boards. I think most members in this place would be aware that I was a member of the Bordertown Memorial Hospital Board at the time I was elected. I then resigned from that board, but I do have first-hand experience of boards which have some input and control over the running of their hospitals. These boards actually bring the whole community together.

Members may be aware of South-East towns and their rivalry. The Bordertown Hospital Board in particular has, as its chairman, a stalwart of the Mundalla Football Club and, as its deputy chairman, a stalwart of the Bordertown Football Club. They have spent most of their lives playing against each other with an intense inter-town rivalry but now, as leaders in the community, they are involved with the Bordertown Hospital Board and are working very closely together to provide appropriate health care for the Tatiara community. Thirty or 40 years ago, these individuals never would have worked together. They were vigorous opponents on the football field and the rivalry—as you would have experienced, Mr President—in country towns of South Australia is intense. However, hospital boards and community health care brings communities together. So I am very concerned about the government's intention to diminish the role of country hospital boards as it actually erodes one of the last things that country communities have that holds them together.

The Governor's Deputy went on to say that the government will work closely with BHP Billiton to facilitate and negotiate an indenture to underpin the expansion of the Olympic Dam mine, with an associated desalination plant in the Upper Spencer Gulf. Olympic Dam is one of the most important, strategic economic assets in the nation, and it could be compromised under a Labor government. The Labor Party has just recently changed its position on uranium mining. Of course, that would have affected the Olympic Dam expansion. However, we saw yesterday the Leader of the Government in this place stick firmly to the federal Labor opposition's policy of abolishing AWAs (Australian workplace agreements), which are seen as one of the platforms of support and one of the reasons that the mining industry has had such a renaissance over recent times—because of the flexibility they provide for both employees and employers.

As the leader of the Liberal Party in the House of Assembly, Martin Hamilton-Smith, said, the government 'is awash with contradictions'. The untimeliness of the decision to overturn the three mines uranium policy was astounding. This should have been an obvious decision years back in light of the contribution of mineral resources to the South Australian economy. The Labor government has set a target in its strategic plan for a massive increase in mineral production by 2020. It has taken until 2004 for the government to realise this potential and it has simply restated targets that the previous Liberal government set 10 years ago.

As I mentioned in the urgency motion on Tuesday, the PACE program is just a renamed, rebadged program initiated by the Liberal government and not a new initiative of the Labor government. We see the government and, in particular, the minister always championing the PACE program with the number of metres being drilled and the amount of money being spent. I think if we actually look at the figures, there is something like $190 million worth of exploration, but only $33 million or $34 million is new exploration and greenfield exploration. The rest of the investment is in existing mines such as Olympic Dam, Oxiana, etc.

Whilst at the South Australian Chamber of Mines and Energy gala dinner last night, I spoke to one of the gentlemen involved in the Olympic Dam expansion. He said that he had never been to a mine anywhere in the world where there were 20 drill rigs working 24 hours a day, seven days a week, drilling on site. So, as we can see, the figures that the government quote on the PACE program are somewhat fuzzy—shall we say—or misleading. If you think about it as new exploration and new development in South Australia, probably only about 20 per cent to 25 per cent is actually new exploration.

Premier Rann is the leader who argued determinedly against Roxby Downs in the first place, and now he thinks it is a wonderful idea. It demonstrates the inconsistency of this government, especially on some of these key policy areas. As Martin Hamilton-Smith indicated, the Liberal Party resolved its policies on nuclear energy and uranium mining some 25 years ago. Today, the Labor Party and the Labor government are still playing catch-up.

In 2007, the government indicated that the first of 10 new trade schools and at least six new children's centres would be opened, and that the government will pave the way for the opening of six new schools across Adelaide in 2010 and 2011 as part of its Education Works initiative. The Rann government's failure to offer incentives for employers and trainees is discouraging young people from undertaking training and is exacerbating our state's skills shortage.

South Australia has a major skills shortage and state government initiatives are virtually non-existent. We lag behind all other states and territories in offering financial assistance to encourage further education and reward employment opportunities. The shadow minister for employment, training and further education, Steven Griffiths, has pointed out that it is disgraceful that subsidies paid to rural and regional apprentices who have to travel to Adelaide (or beyond) for trade school are so low. Mr Griffiths said he had been contacted by employers who, understandably, cannot believe apprentices receive only $12 per day travel allowance. This is an insult and no way to entice young people into apprenticeships or other training.

Other state and territory governments provide a full exemption from payroll tax for employers hiring apprentices and new-entrant trainees, together with offering incentives to apprentices and trainees, including public transport concessions, financial assistance to reduce accommodation and travel expenses, and vehicle registration rebates. Last year, the Rann government stated that it was committed to maximising employment opportunities for all South Australians—both now and in the future—through the development of comprehensive and long-term employment policies. This statement is undermined by Treasurer Foley's 2006-07 budget, showing that the state government is going to raise an extra $5.8 million through an increase in 'user choice' training fees. It is a joke when the state government announces that it plans to improve employment outcomes in regional South Australia when the current travel and accommodation assistance paid to apprentices and trainees attending training in Adelaide or interstate is a pittance.

Supporting students undertaking training courses is another area the government has not dealt with. For example, over 92 000 students study at TAFE SA each year. In this case, accommodation services and support are a huge problem when the accommodation facility at Regency Park

for TAFE students accommodates only 184 people per term, leaving many others with nowhere to stay and quite heavily out of pocket.

The government also introduced and spoke of its plan to introduce new mental health legislation in the wake of the Social Inclusion Board's report on the state's mental health system and the government's consequent funding commitments. The Rann government has sat on nearly $1 million in unspent mental health funding while community services starve and public health sector psychiatrists hold stop-work meetings. The Rann government closed the Special Stay Unit for international detainees experiencing mental health difficulties at Glenside and put this nearly $1 million back in the government bank. It is beyond belief that unspent funds are sitting around while community service providers struggle to keep their doors open and the Salaried Medical Officers Association threatens industrial action over the lack of mental health services.

Documents received through freedom of information regarding the Central Northern Adelaide Health Service, which operates mental health services, revealed a surplus of nearly $1 million. The documents state:

> Mental health's financial position is a $0.9 million surplus. . . attributable to a range of issues such as the closure of the commonwealth immigration detainees' ward, unanticipated revenue levels and delays in asset sustainment expenditure. . .

Last April, the federal government had to come forward with a $1.8 billion package outlining priorities for funding within mental health and asking the states to contribute funding for the new initiatives. Community service providers are shutting down programs and services while waiting for the government to pledge further funding. The Rann government is denying the community appropriate services, increasing the chances of relapses and placing further stress on already slashed acute facilities.

The Governor's Deputy outlined that the state will continue to work through the Council of Federation to establish a National Emissions Trading Scheme in order to reduce greenhouse gas emissions. The National Emissions Trading Scheme proposed by the Labor premiers could actually boost wholesale electricity prices by some 22 per cent, according to a task force set up to examine the proposal. We have yet to see the message come back from the House of Assembly but, before the parliament was prorogued, this chamber moved some amendments to the government's climate change bill to have interim targets of a 20 per cent reduction by the year 2020. I will be interested to see the government's response, because it was critical of the opposition for moving those amendments. I think that the business community was critical of it—

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: The Hon. Gail Gago interjects that the people did not support it. What people do not understand is that it is a con by this government. It is an aspirational goal. It is a voluntary target. There is no mandating of it. You are not compelled. It is a target. It is typical of this government: it is all spin. It was just a headline for the Premier with no guts to it. It is just a joke. We are more than happy to stick by a 20 per cent interim target of a voluntary program because no-one ever has to achieve it. It identifies the hollow, shallow nature of this government that is focused only on a headline.

All the Premier wanted was a headline that he would have the nation's first climate change legislation and that he would be leading the charge with a voluntary program that has no teeth. It is just a joke. In the area of the health network, GP Plus centres will continue to be developed across Adelaide, the Deputy Governor said. Junk food will be banned in schools, and the Premier's Be Active challenge will promote physical activity among reception to year 9 students. The Rann government's inability to tackle obesity has led to South Australia's population becoming the fattest in the entire nation.

Australia's Health 2006 report, released on 21 June 2006, shows that people in this state are now the fattest with 19.6 per cent of us suffering from obesity—unfortunately, I guess I am one of those people. Not only are people in this state the most obese but also 55.5 per cent of South Australians are overweight or obese, second only to Tasmania with 55.7 per cent. As a former leader of the party, Iain Evans, said:

> There is no silver bullet to solve the problem of obesity. . . to help South Australian children stay fit and healthy they need to be kept active.

So, instead of obsessing over junk food, advertising and holding numerous talkfests, the Rann government needs now to invest and make some real commitment to a physical education program that really works, such as Let's be Active, Let's Go and Fit2Play, and I will use the example of the Bordertown Primary School. It was my home town and I know a lot about it. Two of my children attended the Bordertown Primary School. That school had a program whereby the children had to run every day at lunchtime. Every child had to run. Some kids could not run so they walked, but everyone had to do this particular course.

From memory, it was about a two kilometre course, and the children were rewarded with a certificate when they had clocked up 10, 25, 50 or 100 kilometres. It was compulsory. Every child had to do it. Obviously, there was the odd occasion when children were sick or parents did not wish their children to participate, but pretty much it was compulsory for all children to complete this course every day, every lunch hour, unless, of course, the weather was wet or it was extremely hot. What we found was that, when a survey was done of a number of primary schools across the state, children at the Bordertown Primary School were the fittest.

Those children had the highest level of physical fitness simply because it was compulsory that they undertake regular exercise. You can ban junk food, do a range of other things and talk about it, but if you just get off your backside and go for a run or a walk you will end up with increased physical fitness. A number of people who live in the city join gymnasiums to try to keep fit. A good friend of mine says that the easiest way to keep fit is to get a tonne of sand and a shovel and, each morning, shift the sand from one side of the backyard to the other.

It is a little bit of physical activity. You do not have to be too technical about it. Certainly, it will aid people, and especially children, to be healthy, fitter and less obese. The Governor's Deputy went on to say that, in order to improve housing for the most vulnerable in our community, new care and amenity standards will be set for the supported residential facility and boarding house sectors. South Australia's ageing population will only become older, posing huge ramifications for the state. Not only does South Australia have the oldest population in the nation but it also has the highest proportion of over 65s and over 85s.

This will only mean that more pressure will be placed on our already burdened health, housing and aged-care sectors. The proportion of people over 65 is the highest in the nation

with some 15.3 per cent. This is an increase of 1.5 per cent since last financial year and is well above the national average of 13.3 per cent. We now have some 234 400 people over 65 out of a total population of 1.55 million.

South Australia also had the highest portion of those in the over 85 age group, with 2 per cent of the total population. This is a large number, considering the national average is some 1.6 per cent. The over 85 group is growing quickly, with a 7.7 per cent increase for South Australians in this category for the year ended 30 June 2006. Over 85-year olds need intensive assistance and, as more South Australians reach this age, pressure placed on health, housing and aged care systems will be enormous.

Most concerning is that the government is not providing nor planning for the future care of the growing number of older South Australians. The government has had its head in the sand and, if it thinks it is getting anywhere near achieving the population target of 2 million people by 2050, if we look at the Australian Bureau of Statistics figures they tell a completely different story.

The Lieutenant-Governor went on to speak about the environment and spoke of legislative action to deal with site contamination, to toughen up penalties for cruelty to animals, to phase out single use plastic bags, and to establish a series of marine parks across the state. It is interesting to look at the targets. A marine park program to establish 19 parks was meant to be completed by now, and not one has been proclaimed. I have been the shadow minister for marine parks for the past 13 months, and we have yet to see the minister introduce the legislation to see that implemented.

I note with interest that the promised and re-promised contaminated land legislation has just been introduced to parliament. I look forward to the debate and to reading that piece of legislation, because it poses a number of concerns to the business community. Business SA was very concerned with the original draft and the cost imposed on business, and we will look to see whether the government has the balance right in providing care for the environment and future South Australians and also providing business with some certainty.

We also have to deal at some time with the issue of Port Stanvac. We know the government has given Mobil until 2019 to clean up and exit the site. We are still not sure what level of remediation is required on that site, and I am not sure whether it will be included in this legislation. It concerns the opposition that Port Stanvac was pristine coastal land when the oil refinery was built there. Is this government expecting Mobil to return that land to its original condition ready for residential development or will it be preserved? I read on the industrial land strategy that the government released to *The Advertiser* (but not to the opposition) yesterday of Port Stanvac being kept for industrial land uses. The contaminated land legislation will raise a number of issues, and I look forward to the debate.

The results of the metropolitan water study are interesting. This is something that was completed some years ago, and it has never been released. The completion of the second generation parks has been delayed 14 years until 2036. We have seen the Premier stand up and champion his 3 million trees program, the River Murray forest. He likes to be the new clean, green Premier of the nation. Yet, for some reason only able to be explained by the government, the second generation parks program has been pushed out some 14 years to 2036. It is an indication of the government's being all talk and no action, saying one thing and doing another. It is interested only in spin and media manipulation.

The Lieutenant-Governor went on to say that the government will introduce a package of reforms designed to enhance the rights of victims of crime, reform the criminal law dealing with serious drug offences and reintroduce legislation relating to rape, sexual assault and child protection. Just days after the Rann government tried to talk up its tough law and order policy towards perpetrators of rape, it was exposed as having scant consideration for victims of sexual assault. The announcement the government made in February on rape reform was a PR exercise that hid the fact that the government was leaving victims—the very people the government claims it is protecting—to fend for themselves. The Attorney-General (Hon. Michael Atkinson) would not approve an ex gratia 'victim of crime' payment for an Adelaide woman who was a victim of date rape.

The Rann government continues to persist with tough rhetoric on law and order at the cost of victims of crime. How can it say it is looking after the interests of victims when it questions claims such as this in order to deny compensation? Under this government our courts are grinding to a halt. Labor's solution is not to get our courts working but to clamp a handful of car wheels and give it a promotional brand name of swift justice. Meanwhile, thousands of victims of crime have to cool their heels for months, if not years, under Labor, waiting for the satisfaction of their day in court and a dose of true justice.

The Lieutenant-Governor went on to talk about the work on the Bakewell Bridge underpass project, in conjunction with the commonwealth, and stated that the state government will continue to upgrade the LeFevre Peninsula railway corridor. Dr Asko Vilenius, who provided an independent report at the request of community interest groups and Independent MLC Nick Xenophon, supported the Bakewell Underpass Community Coalition's call for a second pathway for pedestrians and cyclists. He said that moving internal structural support columns would allow for a shared footpath on both sides of the road at minimal cost. The report highlighted eight problem areas, including the width of on-road bicycle lanes that Dr Vilenius said were too narrow for managing a vehicle breakdown safely. The shared pathway, which the report said would lift the likelihood of head-on bicycle to bicycle or bicycle to pedestrian collisions, has been described as an accident waiting to happen.

The announcement of the Bakewell underpass construction was made in the shadow of ongoing community concern that the design is fatally flawed. Thebarton residents, Bicycle SA and disability groups remain alarmed that the design being pushed by the government will result in the death or injury of cyclists. The community groups met with senior Department of Transport, Energy and Infrastructure officials and were given an indication that the northern pedestrian pathway and improved cyclist arrangements would be considered. On 3 September minister Patrick Conlon wrote to stakeholders indicating that he would not support such options, a position he subsequently reaffirmed in parliament.

The community remains alarmed that Adelaide will now have a piece of infrastructure in place for 50 to 100 years that is dangerous and inappropriate. The reason is that Labor does not listen. The project has been mismanaged and now has blown out from the forecast $30 million to $43.5 million. The Liberal Party was prepared to offer bipartisan support to the government to implement further changes to this long-term infrastructure investment to ensure that we get it right. However, the offer was rejected. The government has been questioned about this project in parliament and in the Public

Works Committee (where many of these issues have been aired) but, unfortunately, it has turned a blind eye.

I now want to refer to the upgrade of the LeFevre Peninsula railway corridor. As we know, the government has wasted $100 million on the opening bridges that have been built at Port Adelaide. I believe that no safety report was ever done on the construction and design of those opening bridges. That is an issue that the opposition intends to pursue, because some $100 million has been spent on bridges that I suspect will never be opened or, if they are, it will be for only a brief time, when the Premier or the Deputy Premier goes there and opens the facility. I think it is an insult to the South Australian community that the government is prepared to waste that sort of money when so many other areas of the state are in desperate need of funding.

The Governor's Deputy went on to say:

> My government will develop the Techport Australia shipbuilding site at Osborne, which will be the hub of the air warfare destroyer project and the centre of the long-term internationally competitive naval construction industry in this state.

Questions during the 2006 budget estimates hearings showed us that the Rann government's announcement that its investment in the Techport shipbuilding infrastructure at Osborne would be increased from $140 million to $243 million is just about another cost blow-out. It was simply another Rann government infrastructure project blow-out disguised as a new investment. The claimed new work is simply an underestimated original work or necessary building that was overlooked in the first instance, and now the government has to put in extra money to deliver the project as promised.

The government announced the Osborne maritime precinct project in May 2005 and said that it would cost $120 million. It then claimed that it would spend an extra $115 million (so, that is a total of $235 million) but went on to claim that the total budget would be $243 million. As you can see, Mr Acting President, the government's own figures do not even add up. We have been advised by a reliable source that government documents reveal that the true cost of the project may be as high as $280 million to $300 million. To cover itself, the government has not ruled out further changes to the nature of the project, to mask some more of its cost blow-outs.

It is interesting to note that the Premier and the government are still claiming credit for the great work they did in getting the air warfare destroyer project to South Australia. As we know, and has been said many times previously, this was a federal government decision. I believe that this state has had wonderful representation in the federal parliament by South Australian Liberals and, in particular, by South Australian ministers in the federal cabinet, who put a strong case for South Australia to receive this project. I remember reading about the Hon. Nick Minchin in an article in *The Advertiser*, and the project was awarded to South Australia in spite of Mr Rann's efforts, not because of them. The opposition strongly supports this project and welcomes the leadership of General Cosgrove and Andrew Fletcher, who have clearly corrected the government's investment figures and also corrected the minister's mistakes and sorted out the costing mistakes.

To reiterate what I said at the beginning of my contribution, I would like to thank the Governor for her excellent work since the last Address in Reply. I wish her all the very best for the few remaining months of her term. I look forward with interest to finding out who our next governor will be (I think that is likely to be announced in the next couple of months) and to working closely with them for the future of South Australia. I commend the motion to the council.

The Hon. M. PARNELL: My initial reaction to the Governor's speech, delivered by the Governor's Deputy, is that South Australia is really fiddling while Rome burns. What I mean by that is that I do not believe that, as a state, we are taking seriously the challenges that we face. I believe that the next 10 years will be a most critical time for South Australians to get things right.

The focus in the Governor's speech was very clearly on this government's efforts to foster prosperity, growth and opportunity, and that is to be done through the framework of the State Strategic Plan. However, the State Strategic Plan is based on several assumptions that are quite divorced from reality. The strategic plan also ignores some key facts that we need to address, for example, climate change. The strategic plan does not properly acknowledge the extent of climate change, and it does not properly reflect the urgency of our response to climate change. The State Strategic Plan virtually ignores the fact of peak oil: the fact that oil production around the world is peaking and will decline. That is inevitable—it is not a theory: it is a fact—but there is no policy response in the strategic plan. The plan also ignores the services that are provided by biodiversity and ecosystems. As evidence of that, we saw that, as water became more scarce, one of the government's first options was to effectively sign the death warrant for the internationally listed Ramsar wetlands of the Lower Lakes and Coorong.

The next 10 years will be critical in addressing these issues, because the choices that we make now will determine the quality of life for our children and our grandchildren. The experts agree that we have 10 to 15 years left if we are to prevent catastrophic climate change. This week, working group three of the international panel on climate change is expected to release its latest report. That report is likely to focus less on the science, which is now almost universally accepted, and more on what we should do about addressing climate change. I urge all honourable members to pay attention to that report when it is released, recognising that it is a conservative report, and it reflects a great deal of compromise and consensus amongst the international community. It is not the report of a conservation group: it is the report of the world's scientists.

Dr Graeme Pearman, who is one of Australia's pre-eminent scientists, said recently:

> This new IPCC data strongly suggests that for large parts of Australia south of 30^{o} the prognosis is about loss of rainfall and, as a result of the higher temperatures, loss of available water.

So, it is clear that we are already experiencing climate change. It has been catastrophic for our farmers. It has impacted and will continue to impact upon our economy. In addition, there are other impacts of the climate-induced water crisis, such as mental health and suicide in regional areas that are less acknowledged but are no less an impact of climate change.

Along with other members, I wish to refer to the recent debate on the government's climate change legislation. It was quite remarkable to hear government ministers describe their 2020 interim target, which in fact was no decrease in greenhouse gas emissions, to be described as:

> . . . a tough but credible target, which maintains our leadership position in responding to climate change while not irresponsibly damaging our economic prosperity and growth.

Those words of the state Labor government are very similar to those of Prime Minister John Howard. The argument seems to be that we cannot do anything in relation to climate change that might impact on economic growth. That response is just not good enough and the growing awareness in the community that tough action is needed on climate change should have both the old parties rethinking their position.

It is also argued by the government that we cannot possibly match the work that has been done in Europe to reduce greenhouse gas emissions. This is a false and dangerous argument. The argument goes something like this: Europe has spent 10 years, since the Kyoto Protocol, actively pursuing reductions and therefore they are much further down the road in terms of delivering a greenhouse gas reduction target by 2020—much further down the road of achieving that 20 per cent target. In Australia, the United States and Canada, we have not done the work that the Europeans have done, therefore it is unrealistic for us to expect to meet this target. That is an absolutely false argument.

What it is saying is that we laggards are relying on our own inaction over the past 10 years, in relation to the Kyoto agreement, to claim that we should not be expected to play catch-up. This also ignores the bottom line reality which will eventually overwhelm the so-called economic reality, and that is that unless all nations make massive cuts in their greenhouse gas emissions, including cuts of the order of 20 per cent by the year 2020, as approved by this council, the goal of stabilising concentrations of greenhouse gases in the atmosphere at 450 to 550 parts per million in order to limit global warming to 2º will not be met. There is simply no room for laggards any longer.

The big elephant in the climate change room, of course, is the Roxby Downs expansion. If we accept that the next 10 years is critical it then comes as no surprise that the Roxby Downs expansion features very little in the government's talk about climate change. After the recent ALP national conference, the uranium exploring companies are no doubt rubbing their hands with glee, yet the Roxby Downs expansion is guaranteed to increase not decrease our greenhouse gas emissions, and it will do so in precisely the same time frame (10 to 15 years) that we need to act.

The Roxby expansion will use considerably more electricity than every household in Adelaide combined. It is set to increase our state's electricity consumption by about 40 per cent, and it is estimated to increase the state's greenhouse gas emissions by 15 to 20 per cent. How does that figure with the support that this council has given to reducing our greenhouse gas emissions by 20 per cent when Roxby will increase them by 20 per cent? So, it is no wonder that the government does not want to accept a tough interim target, because it knows that we will not meet it.

The Premier is quite happy to quote prominent conservationists. He quotes David Suzuki, Al Gore, Mikhail Gorbachev, even Tony Blair and Arnold Schwarzenegger. I would ask: what do those people really know about the true state of climate change action in South Australia? I wonder whether they are at all aware of how the rhetoric of climate change does not match the reality of government action in this state? My feeling is that they would be bitterly disappointed when the truth is known and that they would feel that they had been used in the political debate in this state. The next big test for the government on climate change will be budget night, and we will be looking for the tens or hundreds of millions of dollars of climate change initiatives. We will wait with bated breath to see what comes out of the budget.

I would also reflect on the mining boom, because that has featured in other members' contributions. I pose the question: are we a smart state if we rely on the mining boom for our economic future? One aspect in relation to mining is that, whilst it does create short-term wealth, it does perpetuate the single use mentality, the idea of digging up non-renewable resources and then selling them off. Certainly the uranium debate has revolved around that, that we are going to dig up and export our uranium but we will take no account of the nuclear weapons proliferation or the nuclear waste that is generated from it. We will wash our hands and just be happy to dig it up and sell it.

In his latest book, and it is a book I have referred to before in this place, Hugh Stretton highlights the way three different countries have approached the use of their mineral wealth. He uses the example of offshore oil. The three countries that he compares are Australia, Britain and Norway. In Australia we allow private enterprise to go in and sell that common wealth. We get some advantages from that in terms of royalties and employment and it helps our balance of payments. Britain, on the other hand, nationalised the resource. It exported a good deal of it and got a good stream of public income, but that income will run out when the oil runs out.

Norway, on the other hand, kept its offshore oil as a public asset. It allowed it to be mined by private enterprise competing for the work, but Norway committed itself to investing all its export earnings into income-producing assets and enterprises. So, when Norway's oil runs out it will still have a stream of income from its investment. The South Australian approach certainly gives us some small amount of royalties, but we can do much better in our management of natural resources.

Much has also been said about the mining boom and the Western Australian example, because that state's economy has certainly been affected by mining. A recent report by Dr Richard Dennis that looks at the mining boom in Western Australia, entitled 'The Boom for Whom: Who benefits from the Western Australian mining boom?', made a couple of important points—perhaps the most important of which was that, while some people do very well, a great many people do not. The Western Australian economy, which is being driven by growth in mining and energy, has not benefited most Western Australian families. There has been generally lower wage growth in most sectors of their economy, there has been a decline in affordable housing in that state and an escalation in rental prices, and unemployment rates in Perth and many regional centres are high and comparable to those that were experienced during the recession of the 1990s. In fact, wages growth in most sectors of the Western Australian economy is simply not keeping up with the price of living.

So we need to look carefully at the mining boom and not just make assumptions that the wealth will be equally shared, because it will not be, unless we have policy responses to make that happen. However, if we were to take the Norway option and invested the proceeds of our mineral wealth in those parts of the economy that would provide us with a more sustainable economy into the future, I believe that would be a more sustainable future for South Australia.

I urge all members to listen carefully to the arguments put forward by Professor Dick Blandy at the University of South Australia, because he urges us to focus on solving our problems and then export the solutions. That approach could serve us well in the areas of public transport, energy efficiency (certainly in renewable energy), water supply, how to deal with the problem of a diverse urban form, and how to deal

with (for example) the peak nature of our electricity demand—and at this point I would like to note some of the small but good work being done by ETSA Utilities in relation to managing electricity demand from airconditioners during those very hot days of peak demand. We could also be looking at how to get vibrant, local and sustainable farming communities that are not beholden to monopolies, that are not completely at the whim of large corporations such as Coles or Woolworths. This state can and should be a world leader in environmental technology, environmental business and environmental exports, and the wealth of job creation that results from those industries.

For the next 10 years we need to be focusing on and investing in the structures that will set us up to respond to a world that has less energy. A good place to start—and I urge honourable members to look at this—is the report prepared by Senator Christine Milne entitled 'Re-energising Australia'. It contains a wealth of good ideas regarding how we, as a state, can respond to a world with less energy. In South Australia we need to look, in particular, at our urban form, and we need to look at agencies such as the Land Management Corporation and what should be its focus. Is it just about providing land and making a profit, or should agencies such as that be focused on future-proofing our suburbs so that they are more able to respond to shocks such as peak oil? We need to revisit government policy that supports housing developments such as Buckland Park—effectively out in the middle of nowhere, beyond the urban growth boundary, and not served by public transport or other infrastructure.

There is a lot of work we can be doing and which could be exported interstate and overseas. We also need to integrate our thinking around many of these issues because good climate change policies also have spin-off effects in other areas. Members have mentioned in here before that, when we develop good facilities for cycling, walking and playing, that has positive impacts on obesity levels and positive impacts on the mental health of our state, as well as creating a better environment for our children to grow up in.

I believe that the focus on children is one that should always be foremost in our minds, because all the decisions we make in this place and at this time will impact on the lives that our children live in the future. We need to focus much more on early childhood; we need to match the rhetoric around the importance of that stage of life with funding. As parents we are often blamed when things go wrong, but we have to remember that parenting takes place in a social context and, whilst many of us may now have more material wealth, are we happier? Are we better parents? Are we doing a better job with our children? All the evidence suggests that perhaps we are not. Most of us have less time with our families. For many people industrial relations changes are abolishing things like the weekend and there is now less time for many Australians to spend relaxing, socialising or staying fit.

In terms of equity, I would like to say a few words about the South Australian Strategic Plan and the gap between rich and poor. In fact, there is only one target within the strategic plan that relates to income inequality, and that shows no improvement. The gap between rich and poor can be exacerbated if we focus too much of our efforts on things like mining booms because, as I said, if the benefits of that boom are not equitably shared then the gap between rich and poor will grow. It seems that the concept of redistributing wealth as an important part of government policy is a bit of a dirty concept. The Greens say that that should not be so—in fact, it should be a key part of government policy.

We can also look at policies that relate to gambling and poker machines as one of the exacerbating factors of the growing gap between the rich and the poor. As a state, we need to wean ourselves off gambling revenue. We need to be looking at increasing the phasing out of poker machines because, as people like the Hon. Nick Xenophon and others have mentioned, the damage poker machines are doing to the fabric of our society is certainly understated.

I have mentioned it in this place before, but I will say it again: the SACOSS campaign for a better wage deal for workers in the community sector (its 'Strong community, healthy state' campaign) is certainly deserving of government support in the forthcoming budget. I want to mention very briefly the role of carers in the South Australian economy and society. According to the Bureau of Statistics, some 227 700 people are involved in caring roles in South Australia, most in Adelaide but about a quarter in rural South Australia. These carers provide about 64 million hours of care each year. If you were to value that in economic terms, they contribute some $19.3 billion to the national economy, yet it is part of the hidden economy and is not part of the economy you hear people in this place championing very often.

Many people in caring roles are amongst the poorest and most disadvantaged in our community. One of the reasons is that many of them cannot do paid work or they can work only part-time to fit in with their caring responsibilities. With no paid job, young carers in particular face future hardships because they do not have savings and they will not have superannuation to fall back on in their old age. The labour force participation rate for primary carers is much lower at 39 per cent than those who are not carers, which is around 68 per cent. There is a desperate need for respite care, but it is an area that is desperately under-funded. Some 77 per cent of primary carers have never received respite care, and they say they need it.

The Lieutenant-Governor's speech highlighted South Australia's worldwide reputation as a social laboratory, but I think we need to be careful to try not to keep dining out on the reforms of an earlier era, in particular, the Dunstan era. We need to do a lot more now, and I will give a couple of examples. In the past year, legislation has been passed in this place in relation to same-sex relationships, but there are still many people in our community who are not equal before the law, and we still need to do a great deal more to redress the balance there.

We often talk about our famous container deposit legislation and how well regarded and envied it is by people in other states, yet that scheme has effectively stagnated with unrealistically low deposits, which provide very little incentive for most people. When people do recycle, it is not for the 5¢; it is because people have learnt over time that it is the right thing to do. We could increase our rate of recycling with more realistic deposits. In the area of animal cruelty, we still have antiquated and under-funded regulatory regimes. The government has promised some minor reforms, but none of those go to the heart of that system. I have mentioned here before that, as members of parliament and public servants, we have no option for our superannuation funds to be invested ethically. That is an easy one for the government to engage in. Why should someone who works in the health department have to put up with seeing their superannuation funds invested in tobacco companies?

In the area of education, we need to move away from seeing this sector as an easy way to save funds. We have received petitions in this place over the past year or so urging us to put pressure on the government to make sure that important programs such as the aquatics program and the instrumental music program are not axed as cost-saving measures. We need to put more funds into those extracurricular activities. Yesterday I was very pleased to meet some people involved with the Pedal Prix. As a parent of primary schoolchildren, I have participated in that program a number of times, and I can tell members that that important extracurricular activity is funded by parents and students selling chocolates and lamingtons. However, I can also say that involvement in that program is probably one of the most enduring memories many children will take away from their formal education.

The Hon. R.D. Lawson: They're not very nutritious products.

The Hon. M. PARNELL: I think the Hon. Robert Lawson's comment just shows the lengths people have to go to in order to meet the shortfall of public funding. I should say that the Greens policy is not against lamingtons or chocolates when taken in moderation.

In conclusion, I will quote very briefly from a document which is not accessible to most people, that is, the federal Greens party room rules which our four senators abide by, and which has an interesting little preface, which states:

> Our electoral obligation is to the voters of our age, but let us keep future generations equally in mind, for we are also the custodians of their world.

The Hon. R.I. LUCAS: In rising, I thank the Governor's Deputy, Mr Krumins, for his speech to open parliament. In doing so (and I am sure I speak on behalf of my colleagues), I thank the Governor's Deputy, Mr Krumins, in the position of the Governor's Deputy, and Mrs Krumins for their outstanding service over a number of years. A number of us have spoken in this and the other chamber acknowledging the outstanding contribution from the Governor over her period of office—and I certainly concur in those thoughts. However, I also acknowledge the tremendous contribution that Mr and Mrs Krumins have made to public life through the role of the Governor's Deputy.

Because of ill-health and other reasons and also because of the increasing tendency in recent years for the Governor to travel representing the government, for example, on trade missions or various official occasions, I think the current Governor's Deputy has served as Governor for longer than many other Governors' Deputies. I cannot say it has been the longest; I have not done the research. Certainly, on a good number of occasions he has represented the Governor and has done it an outstanding fashion. Those who are aware of his period of service to the community and to South Australia, prior to becoming the Governor's Deputy, will acknowledge his contributions in those many areas as well. As I said, I personally acknowledge his and Mrs Krumins' contribution and I wish both of them well in whatever activities or challenges they take up next.

Secondly, I congratulate my colleagues the Hons David Ridgway, Michelle Lensink and Stephen Wade on their new positions. I wish them well in the challenges that lie ahead—certainly their experiences fit them well for taking up those challenges. I and my other colleagues in the parliamentary party will support them in whatever way we can.

The major issue that I want to address in the Address in Reply debate is the whole issue of the Legislative Council and its future, given the announced policy position of the Rann Labor government in relation to the abolition of the Legislative Council. I addressed this issue in May last year in the Address in Reply and I do not intend to repeat all of that argument in relation to the importance of the Legislative Council and rebutting, in some detail, the lack of intellectual rigour and honesty in the arguments that people like the Premier and others use in trying to mount a case for the abolition of the Legislative Council. The oft-made claim by the Premier and others who seek the abolition of the Legislative Council that it has been an impediment to development and economic growth and appropriate debate in South Australia is certainly wide of the mark.

On that occasion, I quoted some statistical information which I had incorporated in *Hansard* (for those avid readers of *Hansard* it was on 3 and 4 May 2006) which, in summary, highlighted the fact that 98 per cent of government legislation (both Liberal and Labor) over the past 15 or 20 years had passed through the Legislative Council either wholly or in an amended fashion and was obviously of a nature acceptable to the government of the day. Those figures relate to Liberal and Labor governments during that particular period.

I placed on the record in particular the detail in relation to the last four years, as it was then (March/April 2006) which highlighted the fact that, again, 98 per cent of the legislation introduced by the Rann government had passed through this place. I stated at that time:

> . . . 200 bills have been introduced by the government, three bills have been defeated and one has been delayed because of the government's view that there was a significant number of amendment.

That figure of approximately 98 per cent of legislation being passed through this council has been maintained under the period of the Rann Labor government.

As I indicated, on 24 November 2005 when a particular witness was appearing before the Legislative Council select committee on the Atkinson/Ashbourne scandal, as a diversion, the Premier gave a statement to the morning paper. I think it led the front page of *The Advertiser* on that particular day. It said that he was going to hold a referendum at the 2010 state election to abolish the upper house of parliament. In that exclusive story to *The Advertiser* he went on to explain the reasons for that, which I will not repeat, and then he said:

> I will also be putting an alternative option into the referendum, that if the people do not agree to its abolition, that they agree to substantial reform of the upper house, which includes: reducing its terms from eight years to four; reducing the number of members, say from 22 to 16; and reducing its ability to indefinitely delay legislation that has passed the lower house.

And then:

> The third and final option in the referendum would be no change at all.

That was the Premier's announcement on 24 November 2005. On a number of occasions since then he has repeated that. Soon after his re-election on 27 April 2006, in a press release under the heading 'Will the Legislative Council work with us?' he said:

> The government will also be introducing a bill to hold a referendum to coincide with the 2010 state election to determine if the Legislative Council should be substantially reformed, its members cut, and terms reduced from eight years to four; whether it should be abolished; or if it should stay the same.

The first point that I want to make is that I do not believe the Premier actually understands the Constitution Act of South Australia and the provisions that relate to the capacity of governments to put a referendum to the people of South Australia. Certainly, it is my view, backed up by advice that I have received, that it is not possible for the Premier to do what he has promised to do publicly, that is, to have a pick-a-box referendum and go to the people in 2010 with the three options that he has outlined: keep it the same; abolish it or reform it—he would use that word; I would not—or make changes.

In essence, what the Premier has said on a number of occasions is that in 2010 he will be seeking to put a referendum to the people which is, in layperson's terms, a pick-a-box referendum, that is, voters will be able to choose one of three particular options. I refer the Premier, his legal advisers, political advisers and other members to section 10A of the Constitution Act—special provisions as to referendum—which provides:

(1) Except as provided in this section—
(a) the House of Assembly shall not be abolished; and
(b) the Legislative Council shall not be abolished; and
(c) the powers of the Legislative Council shall not be altered; and
(d) sections 8 and 41 of this act shall not be repealed or amended; and
(e) any provision of this section shall not be repealed or amended.

(2) A bill providing for or effecting—
(a) the abolition of the House of Assembly; or
(b) the abolition of the Legislative Council; or
(c) any alteration of the powers of the Legislative Council; or
(d) the repeal or amendment of section 8 or section 41 of this act; or
(e) the repeal or amendment of any provision of this section,

shall be reserved for the signification of Her Majesty's pleasure thereon, and shall not be presented to the Governor for Her Majesty's assent until the bill has been approved by the electors in accordance with this section.

(3) On a day which shall be appointed by proclamation, being a day not sooner than two months after the bill has passed through both the Houses of Parliament, the bill shall, as provided by and in accordance with an act which must be passed by parliament and in force prior to that day, be submitted to the persons whose names appear as electors on the electoral rolls kept under the Electoral Act 1929, as amended, for the election of members of the House of Assembly.

(4) When the bill is so submitted as provided by and in accordance with the act referred to in subsection (3) of this section, a vote shall be taken in such a manner as is prescribed by that Act.

(5) If the majority of the persons voting approve of the bill, it shall be presented to the Governor for Her Majesty's assent.

Subsections (6) and (7) are of no significance to the point I make.

The point is that, under the provisions of the Constitution Act as they relate to referenda, a bill needs to pass through both houses of parliament before a referendum can be put to the people. It is not possible to have a piece of legislation passing through both houses of parliament which essentially says, 'Pick a box—tick which particular box it is that you want.' A piece of legislation will have to determine a particular policy or a course of action—such as the Premier's preferred course of the abolition of the Legislative Council—or some different course of action for that piece of legislation to, in essence, provide the legal framework for that to occur and, if it were to pass both houses of parliament, under the provisions of section 10A of the Constitution Act it can ultimately be put to a vote of the people by way of a referendum.

It is therefore incumbent on the Premier and those who support that particular proposition to explain exactly what he was talking about in November 2005 and April 2006 and on other occasions when he has made a clear commitment and led the people of South Australia to believe that he is going to put a referendum to them allowing them a pick-a-box choice in terms of the future of the Legislative Council. Either the Premier is ignorant of the provisions of the Constitution Act or he is being deliberately duplicitous in knowing the provisions but nevertheless making the statements knowing them to be untrue—

The Hon. R.D. Lawson: I'll go for the latter.

The Hon. R.I. LUCAS: —the Hon. Mr Lawson says that he will go for the latter—or it could possibly be a dangerous combination of both. This is an important matter because the future of the bicameral system of parliament, which in my view the majority of South Australians would support, is threatened by the policy position of the Premier which is supported by the Australian Labor Party at the moment. As I said, the Premier has led people to believe that he will be providing a pick-a-box option. He should now explain to the parliament, or publicly, whether or not he was ignorant of the provisions of the Constitution or whether he was being deliberately duplicitous in making statements which he knew to be untrue prior to the last state election.

I turn now to the issue of the future role of the Legislative Council, and the view that many of us have in terms of how we might be able to reform sensibly the operations of the Legislative Council. I think there is a view from the Premier and others that what the Premier calls reforms—which I call the destruction of the Legislative Council—is the only path that can be followed by anyone who wants to seek change. Certainly, in recent years I believe that the Legislative Council has demonstrated a willingness to reform some of its practices and processes.

In particular, I think that in the area of the committee structure of the Legislative Council in the parliament we have achieved some significant reform. However, I believe that we can achieve further significant reform in the future. In the period of the last Liberal government a wholly-based upper house committee was debated and established, namely, the Statutory Authorities Review Committee. Mr President, you had a period serving on that committee, and I believe that it has undertaken some significant work and a number of significant references.

I believe that, with some future reforms, it can achieve even more significant changes in terms of government operation, procedure and practice. We have only recently established what *The Advertiser* and some other media commentators are referring to as potentially a very powerful committee of the parliament, the Budget and Finance Committee. I look forward to the early implementation and operation of the Budget and Finance Committee. As I indicated, I will be arguing strongly that, under a future Liberal government, that committee should become an equivalent standing committee of the Legislative Council.

It should be an ongoing and important element of the operations of the Legislative Council and equal in status and stature to the other important committees in the parliament. I have expressed a personal view before that my view, in terms of the reform of the Legislative Council, is that a greater preponderance of solely upper house committees is consistent with the role of the Legislative Council as a house of review. I will not go over it all again, but I have recounted in detail that the joint committees that we have established

were a product of the times, with a Labor government and some Independent Labor members at the time supporting reform of the committee system.

That was the best that could be achieved at that time in terms of joint standing committees of the parliament. It is my personal view, not necessarily a party view, that a change in that mix (if that could ever be achieved) in terms of a greater number of solely upper house based committees would be more consistent with the role of a house of review in terms of providing an appropriate review of the operations of whatever government happens to be in power at the time. Certainly, I think that this or the next parliament ought to be contemplating a review of the current layout, number and structure of the committees that we have, whether they be joint or upper house committees.

A number of these committees have grown, for various reasons, at particular times. The Natural Resources Committee was offered to the member for Chaffey as a result of the need of the Rann government to provide a car and further attraction to that honourable member. Subsequently, that turned out not to be required because she became a member of cabinet and received a car from that particular deal.

It makes no sense to me personally to see the layout of these committees, which were established back in the 1980s with the Social Development Committee, the Legislative Review Committee and the Environment, Resources and Development Committee in terms of joint committees and the Economic and Finance Committee and Public Works Committee in the lower house, which sought to cover the portfolios. There is now a significant overlap in terms of the ERD Committee and the Natural Resources Committee. We have also now established the Aboriginal Lands Parliamentary Standing Committee, and in my personal view there could be some rationalisation of the work of that committee with either the Social Development Committee or through some other restructuring of the committees.

One could certainly rationalise a number of those committees and establish a budget and finance standing committee of the Legislative Council and potentially another standing committee in this place without there being any net increase in the number of paid standing committee positions of the parliament, if that were an issue of concern to either members of the parliament or, more likely, members of the media in terms of commenting on reform.

I can see a capacity in the short term to move to two standing committees of the Legislative Council, and I suggest that to those members who might have similar views within their own party or forums in which they have influence. If they agree with that view, we should look at a mud map of the future in which there are three standing committees of the Legislative Council and a commensurate reduction in the number of joint standing committees in particular. We could then see significant change, reform and improvement in terms of the operations of the committee system of the Legislative Council. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 12.58 to 2.17 p.m.]

WEIRS, LAKE BONNEY AND WELLINGTON

A petition signed by 677 residents of South Australia, concerning the construction of weirs at Lake Bonney and Wellington and praying that the council will do all in its power to support measures to obtain water for urban and agricultural purposes that do not disrupt the natural operations of the River Murray system, was presented by the Hon. Sandra Kanck.

Petition received.

SENATOR, ELECTION

The PRESIDENT: I lay on the table the minutes of proceedings of the joint sitting of the two houses held on Thursday 3 May 2007 to choose a person to hold the place in the Senate of the commonwealth rendered vacant by the death of Senator Jeannie Ferris, whereat Mr Simon Birmingham was the person so chosen.

Ordered to be printed.

PAPER TABLED

The following paper was laid on the table:

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

Department for Further Education, Employment, Science and Technology—Report, 2006.

VICE-REGAL APPOINTMENTS

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement relating to the appointment of Governor and Lieutenant-Governor made today by the Premier.

TRAM AIRCONDITIONING

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement in relation to tram airconditioning allegations made today by the acting minister for transport.

KUDLA-GAWLER URBAN BOUNDARY

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

Leave granted.

The Hon. P. HOLLOWAY: On Tuesday 24 April, the Leader of the Opposition asked me a question about the urban boundary at Kudla, within the municipal district of Gawler. During his explanation, the Leader of the Opposition referred to a recent meeting of the ERD Committee and stated:

> Of particular interest to the witnesses was the area of Kudla that was the subject of a ministerial PAR which was initiated on 31 October 2005—4½ months before the last state election—and which was concluded four weeks prior to the election. I remind members that the mayor of Gawler at the time was Tony Piccolo, who is now the member for Light.

In fact, this PAR was initiated on 4 November 2005, not 31 October, as claimed by the leader. The PAR was not concluded four weeks prior to the election, as he claimed: it was, in fact, concluded on 26 October 2006. Further, the member for Light resigned as mayor of Gawler after the March 2006 state election. I repeat the information I provided to this council on 5 December 2006. I met with the chief executive officer and the successor to the member for Light as mayor of Gawler, who indicated council's support for the PAR. That meeting occurred on 22 September 2006 (about a month before the process concluded).

The Leader of the Opposition also referred to allegations that there was no public consultation. This is totally incorrect, as when approached by the independent Development Policy

Advisory Committee for permission to extend the consultation period by an additional two weeks, I agreed to such an extension. That provided an additional two weeks on top of an already extended consultation period which exceeded the mandatory two calendar months for interested parties to make submissions.

The Leader of the Opposition also claimed in the preamble to his question, in what was apparently a quotation from evidence given to the ERD Committee by a resident of Kudla but incorrectly attributed in *Hansard* to the Leader of the Opposition:

> The CEO of the Gawler council has also admitted to me as late as three weeks ago that the deal was done by the former mayor jumping through a window of opportunity to further his political aspirations. He points out that there has been no public consultation.

I have spoken to the chief executive officer of the Town of Gawler, Mr Neil Jacobs, since the Leader of the Opposition's question and also have received a letter from him. In his letter, Mr Jacobs disputes the comments attributed to him, and I will read out that letter, as follows:

> Dear Minister, Kudla-Gawler urban boundary. I write to dispute comments attributed to me in the Legislative Council on 24 April 2007 by the Hon. D. Ridgway. The comments are:
>
> 'The Hon. D.W. RIDGWAY: A recent meeting of the ERD Committee. . . One of the Kudla residents went on, "There is even a letter from the former mayor addressed to Mr Mario Barone at Planning SA pointing out the council has not conducted proper consultation, yet the Gawler council has chosen to take no notice to improve the situation."'

That is where *Hansard* ends the quotation. The quote from *Hansard* of the Hon. D.W. Ridgway continues:

> The CEO of the Gawler council has also admitted to me as late as three weeks ago that the deal was done by the former mayor jumping through a window of opportunity to further his political aspirations. He points out that there has been no public consultation. My questions to the minister are. . .

Mr Jacobs also says:

> Mr Ridgway wrongly has attributed comments to me (or the end quotation mark is in the wrong place). . .

I suspect that is what has happened—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, you should correct *Hansard*. He continues:

> . . . these comments (allegations) were made by a Mr B. Flaherty at an ERD Committee hearing on 18 April 2007 (page 14 of transcript). Also, I have not made the alleged comment to Mr Flaherty. The subject concerns a ministerial PAR which has allowed additional development rights to 113 properties in the Kudla area. The property owners within the area are happy with the process and outcome. Several property owners outside that area would like similar rights. They have repeatedly slandered the council, former mayors and council officers. Judgment is required in dealing with vexatious and poorly informed individuals. I would be pleased if you can obtain a correction of Mr Ridgway's comments. Yours sincerely, Neil Jacobs, Chief Executive Officer.

It is clear that the Leader of the Opposition, through his question, attempted to unfairly reflect on the character of another member of parliament. To do this he has quoted from evidence given to a standing committee. I note that standing order 190 provides that no reference shall be made to any proceedings of a committee of the whole council, or of a select committee, until such proceedings have been reported. In relation to allegations that the member for Light gained some financial benefit from the PAR process, I have sought advice independent of that provided by the council. That advice is that the changes brought about by the PAR do not change the development potential of the member for Light's land.

I am advised that the member's land was subdivided many years ago through the proper land division process. I understand evidence to this fact was given at the hearing but the Leader of the Opposition chose to ignore it. In relation to the Leader of the Opposition's reference to allegations that the PAR ignored infrastructure issues, I can indicate to members of the council that relevant government agencies were consulted during the consultation stage and comments from those agencies were taken into account. Follow up with agencies, including SA Water and the Department of Transport, Energy and Infrastructure, occurred prior to the final determination of the PAR. I will also explain why I, as minister, initiated and subsequently approved the PAR. In 2002, the government signed a Memorandum of Understanding with the Town of Gawler in relation to issues relating to the urban growth boundary.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, listen to this: the need for the MOU arose after the Town of Gawler successfully appealed in the Supreme Court to have the previous PAR, which was put in place by the former Liberal government, overturned. The court overturned it on the basis of procedural irregularities. So this government was left with a Liberal mess; we were left with an urban boundary in concept only because changes to development plans through the PAR were thrown out by the courts.

In order to allow proper statutory processes to occur an MOU was signed with the Town of Gawler respecting its community's concerns and acknowledging that an urban boundary was to be implemented. The PAR was not undertaken for political or financial advantages as was improperly asserted by the Leader of the Opposition. This PAR simply fixed up the mess left behind by the Liberals and put in place a proper boundary, as agreed with the council. It does not mean that the boundary is set in concrete forever, but it does provide clarity in relation to that part of the boundary.

The Leader of the Opposition has now, on two occasions, used parliamentary privilege to make allegations against the member for Light, notwithstanding the fact that he was a member of a committee that heard evidence that these allegations were untrue. The leader should either apologise to the member for Light and the chief executive officer of the Gawler council or have the courage to repeat his allegations outside parliament where they can be tested in court.

Members interjecting:

The PRESIDENT: Order!

QUESTION TIME

McDONALD, Mr S.

The Hon. D.W. RIDGWAY: I wish to ask the Minister for Police—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I ask the Minister for Police the following questions relating to Housing Trust tenant Mr Stuart McDonald:

1. What communication procedures were in place between police and the mental health panel monitoring Stuart McDonald's reckless sexual activities?

2. Why did police visit Stuart McDonald on 25 March, 9 June and 5 July 2006 and what action did they take?

The Hon. P. HOLLOWAY (Minister for Police): I do not have the exact details of what particular allegation was made or on what particular date that police were called to Mr McDonald's place, but they related to issues such as (I think) disruptive behaviour in relation to neighbouring tenants. I think there was also an allegation, and action subsequently taken, relating to cannabis being grown on the premises. What I can say is that no complaint was made to the police on those occasions (prior to just recently) in relation to the fact that Mr McDonald was recklessly spreading HIV.

Police need to collect evidence so that they can go through a prosecution process, and one thing I did not want to do was see this investigation compromised in any way. We had calls from the Deputy Leader of the Opposition in another place for me to interfere in the case, but that was just foolish, and members of the opposition should know better than to ask me to interfere in a police investigation. That would be not only inappropriate but also quite unethical.

The Hon. J.M.A. Lensink: An easy answer!

The Hon. P. HOLLOWAY: An easy answer, saying that I am going to behave ethically? So, the hard answer, and what they want me to do, is to behave unethically. They want me to breach convention. It is absurd.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. P. HOLLOWAY: The fact that the opposition has claimed that South Australia Police have missed several opportunities to stop the alleged offender from deliberately infecting men with the HIV virus because they attended his flat to investigate several unrelated matters is an ugly slur on the entire police service in the pursuit of a cheap headline. If you complain to the police that someone has a marijuana plant in the backyard, you do not expect the police to go around and HIV test the person; that does not happen.

The Hon. J.M.A. Lensink: Oh!

The Hon. P. HOLLOWAY: 'Oh,' she says. Apparently, that is what the deputy leader thinks the police should do. Is that what she thinks the police should do? Once SAPOL was made aware of the alleged offending, advice and assistance were immediately offered. Specifically, the Sexual Crimes Investigation Branch offered its expert assistance to deal with witnesses should any be prepared to come forward.

A number of other allegations were made after that time; I think it was a rape allegation. I am advised that SAPOL was certainly not aware of a rape allegation prior to an affidavit being provided by a former counsellor on 17 April 2007. As soon as SAPOL became aware of the allegations contained in the affidavit, an investigation was commenced and is currently under way. So, it would be inappropriate to comment further at this time.

Let me also put on the record matters in relation to allegations that I know have been raised by the opposition in the media, and probably the Leader of the Opposition will try to raise them here. There are allegations that the alleged offender was running a homosexual prostitute ring from his home. I am advised by SAPOL that a complaint was made to Norwood Police Station on 13 June 2006. The complaint was made three days after the alleged offender moved out of the premises in question. I am advised by SAPOL that this matter was not followed up at the time due to insufficient evidence of any offences and the fact that the alleged offender moved from the address. If there are complaints about someone running a brothel at a particular place and that complaint is made three days after the person has moved, it is a bit difficult to gather evidence that that has happened.

Given that there are still police investigations under way in relation to that matter, it would be inappropriate for me to comment further. However, in relation to those dates prior to April this year, where the police did visit the home of that individual, it is my understanding that they were responding to matters that were not in any way related to allegations that this person was spreading HIV.

The Hon. D.W. RIDGWAY: I have a supplementary question arising out of the minister's non-answer. I will repeat my first question: what communication procedures were in place between the police and the mental health panel monitoring Stuart McDonald's reckless sexual activities?

The Hon. P. HOLLOWAY: I suppose the mental health panel is responsible for that, and I will refer that question to the appropriate minister.

The Hon. J.M.A. Lensink: The minister is running away from this one.

The Hon. P. HOLLOWAY: I am not running from this one at all. I have just told you that the complaints the police were aware of until April this year were made about matters that were unrelated to the allegations that the person was deliberately spreading HIV. I guess that answers the question. I have already answered that question about when police first became aware of these matters.

The Hon. NICK XENOPHON: Given that Mr McDonald apparently used aliases in respect of the alleged offending, can the minister advise whether the police made or received any recommendations about the desirability of publication of Mr McDonald's image and identity?

The Hon. P. HOLLOWAY: As I understand it, the reason the police requested that this person's identity not be released—and it was at their request, as I understand it—was that they believed that it would impede their investigations. If you are going out to individuals to collect evidence, I guess one way the police do it is by showing photographs of the individual. If that picture has been splashed all over the newspapers, then I guess the veracity of collecting evidence and information in that way is obviously compromised. I can only assume that was the reason why the police did not believe that releasing the image of the man at this time was appropriate—because it would seriously hinder their investigations. If that is what the police tell me, I have no reason to disagree with it.

The Hon. J.M.A. LENSINK: I have a supplementary question to the answer arising from the original question. Will the minister provide to the Legislative Council what the allegations were that led to police visiting the alleged criminal's home?

The Hon. P. HOLLOWAY: I am not sure what the legal position is in relation to that, given that there was no action taken. I am not quite sure whether they are matters that would probably come out in court. I think there are some ethical issues about releasing—

The Hon. J.M.A. Lensink: Ethical or legal?

The Hon. P. HOLLOWAY: They might be, but I will seek advice on it. As I said, some information has already been given as to what offences this individual committed. If the advice says that I can release this information, then I will do so.

ADELAIDE GAOL

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking of the Minister for the Environment and Heritage a question on the subject of Adelaide Gaol.

Leave granted.

The Hon. J.M.A. LENSINK: Thanks to a dedicated group of volunteers there is a range of tourist attractions available at the Adelaide Gaol site, including tours for schools and groups, sleepovers, night and ghost tours, functions and receptions, and a museum shop. On 24 June 2004, in response to a question that I had asked in this place, the government advised that the last funding that the gaol had received was '$80 000 as a one-off amount towards high-priority maintenance and risk management works.'

Last year my colleague the Hon. Robert Lawson asked a question about a proposal by the History Trust to further develop the Adelaide Gaol site as a tourist attraction. The minister then stated that it would cost some $10 million to upgrade the site to that standard and that, while this option was 'not off the drawing table', the government would continue to explore options for the future of the Adelaide Gaol site.

The ABC is in receipt of an anonymous one-sentence letter which states that 'Nicolaou'—referring to the manager of the Land Administration Branch (natural and cultural heritage) of the minister's department—'has recommended that the gaol be closed.' This was received by the recipient on 30 April this year. My questions are:

1. Does the minister support the recommendation that Adelaide Gaol be closed, and on what grounds?

2. Is there an annual budget for the maintenance of buildings which are part of our state heritage places, such as Adelaide Gaol?

3. Does the minister have a figure for how much it would cost to maintain the Adelaide Gaol site on an annual basis?

4. Was the figure of $80 000 that was provided in 2002-03 the last funding that was received for maintenance works?

5. Has the government since rejected the History Trust's proposal to develop Adelaide Gaol as a tourist attraction?

The Hon. G.E. GAGO (Minister for Environment and Conservation): Yesterday, as part of a routine series of occupational health and safety audits that the department has been undertaking in relation to its places, there was a recent report outlining some occupational health and safety issues and some public liability concerns relating to some of the current uses of Adelaide Gaol. This has just recently been brought to my attention. I have asked the Chief Executive of the Department for Environment and Heritage to investigate and propose a solution in relation to some of the findings of that report to, first, protect the safety of the visitors and, secondly, to manage this very important heritage facility to ensure that people can continue to enjoy the facility safely.

As the honourable member has pointed out, the gaol operates a museum and a shop, and I am advised that it is also open for self-guided tours and group tours on weekends. I understand that the gaol also runs a bed and breakfast program which, as this report indicates, is one of the main concerns in terms of occupational health, safety and liability issues. People actually stay in part of the gaol overnight. The report has shown that the building, in its current state, does not meet modern fire standards. So, obviously, the government has a duty of care to ensure that the public remain safe in terms of being able to visit the site.

In response to that report, I have approved the following action. I have directed that there be no more bed and breakfast bookings taken and that the accommodation part of the program cease as at 30 June 2007. In the interim, I have asked that the department ensure that there is a supervisor or Watchguard staff on duty at all times in close proximity to any people who might be using the site for accommodation. I have also asked that, over the next few months, there be a review of the function centre uses of the site to ensure that they are appropriate in light of this report and occupational health and safety standards.

I have been advised that there are no significant occupational health and safety risks associated with the general tours of the gaol as a museum, so there is no reason that that cannot continue. There is certainly no intention to close this important heritage site. I understand that visitor numbers are currently around the 20 000 mark, so it is obviously a very popular site, and we hope to continue to make this facility available for public enjoyment.

In terms of the global budget, I have just been informed that it is about $163 000. In terms of the amount that was assessed for the overall upgrade of the facility, from a previous report—and I have reported it in this place before—it was around the $10 million mark. Obviously, the government then looked at a range of different options but, as yet, none of those have come to fruition. So, as an interim measure, as I have outlined, we will ensure that those aspects of the facility that have been assessed as not meeting current safety standards are upgraded and the accommodation facility will be closed as an interim measure. I think that just about answers all the questions.

The Hon. J.M.A. LENSINK: I have a supplementary question. Is the minister concerned about the state of the gaol and is she prepared to invest the funds to deal with those occupational health and safety standards, or is this some sort of deliberate plan by the government to run down our heritage facilities in line—

The PRESIDENT: Order! There are no explanations in supplementaries. Just ask the question.

The Hon. G.E. GAGO: That is an outrageous comment. The honourable member needs to listen to my response. I have answered the question very clearly. Our intention is not to close the facility. We have identified some occupational health and safety issues. We need to adjust visitor contact until we have an opportunity to investigate the upgrade of those areas, and we will continue to have the amenity open. An assessment showed that $10 million is required for a full upgrade of the place. I have stated in this place previously that this government wrestles with a number of priorities and, at present, the expenditure of $10 million is not a priority for us.

The Hon. R.P. Wortley interjecting:

The Hon. G.E. GAGO: That is right. We are a responsible government. At present, we are investing huge amounts of resources into the upgrade and reform of our mental health system.

The Hon. Caroline Schaefer interjecting:

The Hon. G.E. GAGO: I will answer that interjection. The honourable member interjects and asks, 'How much?' The last announcement indicated that $43.6 million is required to upgrade the next level of the reform of our mental health system. That is in addition to the other funds invested. For example, we have invested approximately $10 million in Healthy Young Minds and $10 million in our GP Shared

Care. We are investing tens of millions of dollars into our mental health system, which was left in absolute disrepair and decay by the former Liberal government. It allowed our mental health system to fall down around its ears.

Members of the former government sat on their hands and did absolutely nothing. Now that we are in government, not only are we making it a high priority to repair and reform our mental health system but we are also making investments in our public hospital system and police. We came into government announcing that they were our priorities and, at present, $10 million to upgrade Adelaide Gaol is not a state government priority. I have stated today that our current intention is to keep the facility open and to keep members of the public safe when they enjoy visiting these amenities.

HICKS, Mr D.M.

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

Leave granted.

The Hon. S.G. WADE: On 29 June 2006, the minister attended a correctional services ministers' conference where national guidelines regarding the management of terrorists in custody were agreed. The federal justice minister, Senator Ellison, is reported as saying on that day that a prisoner deal had been struck which would ensure that David Hicks would be transferred to Australia in the event that he was imprisoned. In September 2006, at the latest, the Department of Correctional Services was preparing for the possibility of the transfer of David Hicks to South Australia. My questions to the minister are:

1. Was the David Hicks' case discussed at the correctional services ministers' conference in June 2006; and, at that conference, did the minister make any attempt to ensure that the guidelines on the management of terrorists addressed public safety issues?

2. Why did the Department of Correctional Services last year begin to investigate the feasibility of David Hicks being held in a South Australian prison; and, in particular, did the department or its CEO receive any request or instruction either from the minister, the Premier or any other minister in relation to the David Hicks' case and, if so, when?

3. Considering the government's concern about the potential threat represented by David Hicks in the event that the Federal Police do not seek a control order, what action will the state government take?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): In relation to some dates, clearly, there is some confusion which may have arisen out of reports in the newspaper. What we have seen happen in the background is, of course, what one would expect, that is, the administrative mechanisms that would occur given what happened at the trial of David Hicks in Guantanamo Bay. If my memory serves me correctly, agreement on the National Custodial Management Guidelines occurred in 2005, before I became a minister. However, they will be ratified into the general guidelines later this year at a ministerial conference meeting.

The government has been open in relation to anything to do with David Hicks. Clearly, we cannot say what things are happening until I am advised by the Attorney-General. In the background, there have been the ordinary administrative mechanisms that had to occur between the Department of Correctional Services here in South Australia and the federal Attorney-General's Department, as well as the federal Attorney-General's Department liaising with the United States government in relation to securing the necessary documentation. As the Premier said in the chamber yesterday, as did I (and I am happy to repeat it):

> The South Australian government will give its consent once this formal request has been received. The transfer process should be completed by the end of May.

Over the next few days I am expecting to receive all the necessary documentation. I have received a faxed copy of a consent letter, but I am yet to receive the original and necessary documentation that should accompany it. I would expect, as the Premier has said, that by the end of May the necessary transfer will occur, and also as mentioned by the Premier South Australia will be sending two correctional services officers to be part of the complement to assist in the transfer of David Hicks back to South Australia. Whilst he is a federal prisoner, he will be subject to South Australian law when he is accommodated in the Yatala prison. Under South Australian law he is not eligible for parole or home detention. As to what will happen to David Hicks after his release, clearly that is something for the Attorney-General and the Premier in another place to discuss and, more importantly, for the federal government to decide.

COUNTRY FIRE SERVICE VEHICLES

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about CFS vehicle design and workplace safety.

Leave granted.

The Hon. R.P. WORTLEY: New personal protective clothing has been provided to CFS volunteers to improve firefighter safety. Looking at such safety, have any steps been taken to improve CFS vehicle design to meet the often hazardous situations in which CFS volunteers find themselves?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. Last Sunday I opened two new regional CFS stations at Melrose and Jamestown.

The Hon. J.S.L. Dawkins: I heard about that.

The Hon. CARMEL ZOLLO: I am pleased that you heard about that. These new stations will greatly improve emergency service delivery in the Mid North. At the same time, I also had the pleasure of commissioning a new 34-P for the Jamestown brigade. That is one of the new appliances fitted with safety features for which the CFS won a national safety award last week.

Firefighter safety is one of this government's primary concerns. In both our fire services we have supported the provision of improved personal protective equipment, breathing apparatus and vehicle design. At the WorkCover annual awards on 3 November last year the CFS received the state award for the 'Best solution to an identified workplace health and safety issue', and this award was in recognition of the work undertaken by a wide range of volunteers and staff towards implementing safety improvements to the new CFS fire appliances fleet to provide firefighter protection in the event of a burn-over.

Three safety aspects of the appliance design led to the award. Whilst not the first rural fire service in Australia to introduce crew cabins into its fleet, the CFS is the only service that provides burn-over protection for firefighters caught working on the crew deck. The crew haven and a

reflective fire curtain on the deck provide a refuge for firefighters working on the back of an appliance during a burn-over. The crew cabin is also protected by quick action roll-down blinds that cover the entire glassed area. These blinds are made from material similar to that used for the crew haven on the crew deck and minimise the transmission of radiant heat into the cabin. Again, the CFS was the first fire agency to introduce this level of protection and other states are now following suit.

A further feature of the appliance design that drew attention was the development of short duration breathable air for crews trapped in a burn-over. During a burn-over the intense heat and the plastics present in the cabin fitout give off toxic fumes and create an intolerable atmosphere. Other fire services and industries are showing an interest in this product, which was developed with considerable input from the CFS. The third aspect of the firefighter appliance safety package is the introduction of a spray 'halo' system specifically for cooling the perimeter of the cabin. Water is sprayed directly onto the glass, minimising heat transfer and the likelihood of the glass breaking.

Firefighting is a hazardous activity at the best of times, and to be caught in a burn-over must be terrifying. Our volunteers can be assured that, should that occur, we are doing everything we possibly can to minimise the risk to them. I am delighted that at the Australian National Awards presentation ceremony, which was held at Parliament House in Canberra last week (Monday 23 April), the CFS won the national award for the best OHSW solution (and, I might add, from amongst very stiff competition from right around the nation). This well deserved award demonstrates that, once again, South Australia is leading the way in firefighter safety.

YOUTH DEPRESSION

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about depression in young adults.

Leave granted.

The Hon. A.L. EVANS: Results from the National Youth Survey 2006 carried out by Mission Australia indicated that depression is a top concern for 49.4 per cent of young people in South Australia aged 18 to 24, which is 6 per cent higher than the national average. Some 30 per cent of these respondents also believe that there is not enough information available to them in relation to this issue. According to recent research, suicide is the third most common cause of death amongst 18 to 24 year olds. It is also widely known that depression is a major contributor to suicide. My questions to the minister are as follows:

1. What measure is the state government taking to ensure that young adults in South Australia are well informed about the issues surrounding depression?

2. How much of the state government's funding towards the national initiative beyondblue is directed towards assisting young adults?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his important questions. Indeed, depression is a very serious matter for everyone in our community, particularly our young people. The South Australian government has funded a number of programs, in addition to federal government initiatives. The South Australian government has funded the Mental Health First Aid Program to the tune of about $225 000 to assist in raising the South Australian community's general awareness of mental health and the issue of prevention of suicide and self harm. Although that is targeted at the broader community, it also includes young people. Some of the other initiatives include the National Suicide Prevention Strategy, which has received an additional $62.4 million funding over five years for suicide prevention activities. The strategy is being implemented in South Australia through a steering committee that reviews and monitors state-wide projects, and the South Australian Department of Health is represented on that committee.

In the area of youth suicide prevention, a number of initiatives are in place to help youth to access, in particular, mental health information and services. Work in this area includes school programs about mental health, improving responses to people of all ages who may be at risk and increasing services on the ground. This includes, for example, the expansion of the number of Child and Adolescent Mental Health Service workers. This is part of the Healthy Young Minds program, which involves 22 extra CAMHS workers and four extra psychiatrists. We have also put in place co-morbidity positions which are targeted at young people and which involve experts who are skilled in the discipline of mental health and who also have a sound knowledge base in drug and alcohol and other substance abuse and, in particular, their effect on young people.

The sad fact is that some effects of drugs tend to increase episodes of depression. Work in the youth mental health area is undertaken by many departments and agencies who work together, both in the state government and with the federal Department of Health and Ageing. It is worth noting some of the really important work that the Social Inclusion Board has done, and there is also a priority with both the redesign of existing services and the roll-out of the 26 new Healthy Young Minds positions. That is aimed to give an added focus and coordination to youth services in particular, especially those aimed at suicide prevention. As for the actual figures for beyondblue, I will take that part of the question on notice and bring back a response.

COASTAL MARINAS

The Hon. SANDRA KANCK: I seek leave to provide an explanation before asking the Minister for Urban Development and Planning questions about coastal marinas.

Leave granted.

The Hon. SANDRA KANCK: Marinas are proceeding, or planned, at Port Wakefield, Port Hughes, Cape Jervis and Ceduna, to name a few. A 1989 marina strategy advised that marinas should not be built at the head of the Gulf St Vincent. Wetlands located in this area are home to shore birds and are a breeding ground for economically important fish, prawn and crab species. These species would be threatened by dredging works and the increased boating activity of a marina. So, it is of concern that, rather than giving early notice of the proposed Wakefield Waters Marina, the minister has given it major development status. The only positive to this is that it also gives the Governor the power to refuse the development.

Meanwhile, putting the horse after the cart, work is proceeding within Planning SA on a new coastal marina strategy. A 2006 federal ALP discussion paper, Meeting the Challenge of Coastal Growth, identifies the Gulf St Vincent as in serious environmental decline. My questions are:

1. Does the minister agree with his party that the Gulf St Vincent is in serious environmental decline? If not, does

he consider that this does not apply to the proposed Wakefield Waters Marina?

2. Given the potential for the destruction of grey mangroves at the site and the negative impact on fish breeding and nursery grounds, has the government sought advice about possible legal action from the fishing industry should the marina go ahead?

3. When will the coastal marina strategy be completed, and is it taking into account the impact of sea level rise?

4. Why is the government encouraging plans for more marinas while the coastal marina strategy is still being determined?

5. Has the government obtained advice on the risk of legal action by marina developers and investors in regard to sea level rise?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): First of all, in relation to the question about the gulf waters being in decline, I certainly do not doubt that, with the diminishing of sea grasses within the gulf, which I think is one of the main concerns that was expressed by those environmental committees. I think we would all agree with that and, indeed, a number of governments of this state going back some years have attempted to reduce the impact of that water in the gulf. Hence, a number of wetlands have been constructed and, of course, waste water has been diverted from the various sewerage plants on land to prevent that fresh water going out into the gulf, which has had such an impact on sea grasses; but that is really more an area for my colleague, the Minister for Water Security.

A number of concerns have been expressed in relation to a proposed canal-type development at Port Wakefield. After considering some of these, the government has decided that the matter would be declared a major project so that those environmental issues could be addressed in relation to that matter.

I know that the Department for Environment and Heritage has raised some issues and, if the project is to proceed any further into the assessment process, the proponents will have to address those issues. First, they will have to give an assurance that they have the capacity to address those issues and then, should it proceed from that stage, there would have to be a full environmental impact assessment to look at issues such as the impact the project may have on the head of the gulf. That would certainly need to occur before any approval was given to a project in that area.

Of course, against that, the government has also been strongly lobbied by the regional development boards, local councillors and other people in the area to provide some quality housing within that region because a lot of industry will grow in that area. For a lot of rural industries (such as chicken and pork production, etc.) that sort of distance from Adelaide is an ideal location—close enough to markets but far enough away so that issues associated with those industries do not impact on communities. So, as I said, local communities have been very strongly supporting development there, but against that there are these significant issues that need to be addressed, and the government is working through that process at the moment.

There were a couple of other issues raised by the honourable member, and one related to the coastal marine strategy. That is underway, although I believe it is still some time off. Ideally, one would like that strategy to have been completed before these decisions are made but, given that it has already taken some time, it is likely to be some years down the track. Any of these projects that do have major development status will, of course, be subject to full environmental impact assessment processes, and those processes will take 12 months or so. Certainly, that information will be taken into consideration as part of that process.

In relation to sea level rise, I have had discussions with my colleague, the Minister for Environment and Conservation, and I know the minister is keen for the Coast Protection Board to have a greater influence in some of these matters. I support that in principle, and we will endeavour to address those issues. Expected rising sea levels do, of course, need to be taken into consideration in relation to any development in low-lying areas near the coast, and obviously that will be part of the process. As I said, my colleague and I are examining ways in which that might be best achieved.

The Hon. SANDRA KANCK: I have a supplementary question. Regarding the preparation of the marine strategy, at what stage will the public be involved in any consultation?

The Hon. P. HOLLOWAY: I will get information from the department regarding how far that has gone. When I have asked previously, I was told that it was some time away, but I will get an update from the department and provide it to the honourable member.

METROPOLITAN ADELAIDE INDUSTRIAL LAND STRATEGY

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Metropolitan Adelaide Industrial Land strategy.

Leave granted.

The Hon. B.V. FINNIGAN: Historically, Adelaide has held a competitive advantage as an investment destination through well-located, low cost, serviced industrial land. The large areas of industrial land owned by the government, and the responsiveness of the planning system, have also helped to facilitate the provision of new sites at short notice in response to specific demand. Can the minister outline how the recently released Metropolitan Adelaide Industrial Land Strategy will ensure that there is a continuing supply of market-ready land for industrial development?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): Today's release of the final Metropolitan Adelaide Industrial Land Strategy is the result of more than a year of exhaustive consultation with key stakeholders. As the honourable member mentioned in his question, Adelaide has traditionally had an advantage in the area of availability of industrial land due to its location and low cost and the fact that large areas of industrial land have been under government ownership. However, industry and business groups have expressed concern that zoned industrial land in private ownership is becoming harder to purchase. The principal objective of the strategy is to ensure that development-ready land is available in advance of demand. The key matters that emerged during the preparation of the strategy and the consultation process include:

- accurate and accessible data in respect of the demand, consumption and utilisation of industrial land was not available;
- an assumed take-up rate of 85 hectares a year, a figure estimated in 2002, was too rigid and unreliable;
- the importance of having industrial land development-ready; in other words, not constrained by filling, contamination or servicing difficulties;

- the north and north-west sectors of metropolitan Adelaide have sufficient land in the foreseeable future, but the southern sector would not be able to meet sustained demand;
- the important linkage between industry location and infrastructure, particularly in regard to access to freight routes;
- the increasing number of non-industrial uses on industrial land; and
- although the values of industrial land have increased significantly during the past few years in prime industrial precincts, Adelaide remains very competitive against Melbourne and Sydney.

As part of the consultation process, several forums were conducted with relevant local councils, industry consultants, industry developers, and owners and constructors, such as Australand, Macquarie Goodman and Adelaide Airport Limited. I am happy to say that all stakeholders have acknowledged that the state government has shown leadership and initiative in developing this inaugural strategy, and there has been strong commitment to the ongoing sharing of information and market trends in industrial land development.

Included among the important changes made to the strategy as a result of consultations are the following:

- rather than a reliance on an annual take-up rate of about 85 hectares, the strategy identifies a rolling development-ready industrial land supply of 400 to 600 hectares for metropolitan Adelaide;
- several large parcels of development-ready land were identified and included in the supply equation, resulting in a change in emphasis from a demand-driven strategy to a supply-driven strategy. Approximately 500 hectares have been identified as available to the market, although some sites have a preferred activity type, such as aviation or port related;
- a further 800 hectares of constrained industrial land exists which require actions to reach a development-ready stage;
- master planning will be required for large constrained industrial sites, such as Gillman, which is a preferred location for industry; and
- more prominence has been given to assessment frameworks, providing criteria and guidelines for councils when considering rezoning of industrial land for other uses.

The rolling land bank will help to maintain nationally competitive land prices and rents, providing a positive benefit for industrial land users. Industrial land will also be planned in conjunction with strategic infrastructure development, which will enhance business efficiency. The strategy also seeks to reduce the time and cost for businesses when obtaining regulatory approvals to develop industrial land.

Finally, the Metropolitan Adelaide Industrial Land Strategy supports a number of key targets in the South Australian Strategic Plan. I advise the council that the final Metropolitan Adelaide Industrial Land Strategy is available on the Planning SA web site at planning.sa.gov.au/go/ils.

GAMBLING AWARENESS WEEK

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, questions in relation to Gambling Awareness Week, which is to be held from Monday 7 May to Friday 13 May 2007.

Leave granted.

The Hon. NICK XENOPHON: I have been contacted by counsellors from the Break Even gambling network who have expressed concern to me about the lack of consultation that has occurred between gambling service providers and the department that has the role of organising programs associated with Gambling Awareness Week. Concerns have been raised as to the amount and allocation of funding, and the level and type of advertising that will occur to promote Gambling Awareness Week and related activities. In relation to advertising, one concern that has been expressed to me is the independence or ability for agencies to adequately portray the harm caused by gambling in advertising campaigns. My questions are:

1. Has the department met with representatives from gambling service providers to consult with and discuss Gambling Awareness Week 2007 and, if so, which organisations, and when did such consultation occur?

2. If consultation did occur, what was the nature of such consultation?

3. Can the minister provide a breakdown of how much money has been allocated to fund programs to be run during Gambling Awareness Week, and how do these figures compare with funds allocated in past years?

4. Can the minister provide details on the tender process for advertising for Gambling Awareness Week, how much money has been allocated for advertising, and in what form will any proposed advertising be?

5. Will the minister provide details of the amount that has been allocated to advertise the gambling help line and problem gambling services in the current year, compared with the previous financial year?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to Gambling Awareness Week. I will refer his questions to the Minister for Gambling in the other place and bring back a response.

WASTE LEVY

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question regarding the increased waste depot levies.

Leave granted.

The Hon. T.J. STEPHENS: There is genuine concern among a number of councils that the additional $3 million in extra levies that are soon to be collected will not be allocated for recycling initiatives. The concern is that 50 per cent will go to general revenue and possibly only 50 per cent to Zero Waste SA. Will the minister assure this council and local councils that the extra $3 million raised from the increased waste depot levy as from 1 July will be allocated to Zero Waste SA to encourage industry and local government to invest in recycling initiatives?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question and remind him generally that the waste depot levy under the Environment Protection Act is payable on all solid waste that is deposited in landfill. The state government has chosen to increase the levy in line with an annual indexation factor. The levy is currently $11.20 for metropolitan waste and $5.60 for non-metropolitan waste, and 50 per cent of the levy is paid into the Waste to Resources Fund for the purposes of Zero Waste, with the remainder going into the EPA. The income from the levy has been decreasing as the

amount of waste deposit to landfill has been decreasing with time.

Specifically, the income to the Waste to Resources Fund for 2004-05 was just over $6 million. The result for 2005-06 was, again, just over $6 million, and it is estimated that in 2006-07 it will be just over $5 million. This waste levy has been reviewed, and it is clear that there is a reduction in the amount of waste being deposited to landfill, as this government seeks to improve that and impose a driver, if you like, to shift people away from relying on depositing their waste to landfill, and attempting to increase the driver and incentive for people to recycle. That was the whole rationale for increasing the waste levy.

Currently it is not a level playing field. It is, in fact, much cheaper to simply dump your waste in a tip. The increase in this waste levy has been made to act as a driver to make it more cost efficient to recycle waste rather than to put it in a tip. It is a policy driver, as I have stated in this place before. It is most important for the long-term sustainability of our environment that we desist from the very wasteful practice of tossing things out into our local tips. It is not only an incredibly unsightly practice but it is also an incredible waste of resources. What we should be doing is providing incentives to make it more cost-effective to recycle and also incentives to drive the recycling industry to investigate and develop further initiatives. That is just what over $6 million of the levy will be directed to.

More than $6 million will be directed towards local councils and industries to offer incentives for them to develop and improve their recycling initiatives. In fact, it is a long-term policy strategy of this government. We have a strategic target to reduce our landfill by 25 per cent. We are doing very well towards that target, but we have picked the low-lying fruit. We know that we need to put further drivers into the system to ensure that we keep reducing our waste to landfill.

This policy direction is about the long-term sustainability of the planet. It ends up imposing a modest impost on householders. I think it ends up being an extra $12 a year, or something like that. It is a modest impost, and we believe that it is an impost that most South Australians support, because it is about the long-term sustainability of our planet.

FOSSILS

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about fossils.

Leave granted.

Members interjecting:

The Hon. I.K. HUNTER: Mr President, they cannot help leading with their chin.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: The honourable leader is leading with his chin again. In the late 1940s renowned geologist Reg Sprigg discovered what is believed to be amongst the most ancient fossilised evidence of life on the planet in the remote north of the Flinders Ranges, although he did not know it at the time. That is excusable, because scientists at the time could be forgiven for not recognising what they had at their feet. The animal fossil record from this period is sparse, because animals had yet to evolve shells which make for easier fossilisation.

It is exactly 50 years since the discovery of the mysterious Ediacarans in the UK. They were the first group of large-bodied life forms on earth—appearing 575 million years ago and persisting for about 33 million years—the largest of which was over four metres long. The discovery in the UK, and proper identification of these fossils, reminded Australian palaeontologists that Reg Sprigg had already seen the same animals in the Ediacara Hills in South Australia. Now we have the first geological period in 120 years named after those South Australian Hills—the Ediacaran Period.

For a long time these fossils puzzled scientists, but a breakthrough in understanding began in 2003 when investigators—including Jim Gehling of the South Australian Museum—described some of the oldest and largest fossils ever discovered. By and large, they were an evolutionary dead end, with almost the entire family consigned to the evolutionary dustbin, much like, I suppose, the new Liberal leadership team will be in the fullness of time.

The PRESIDENT: There will be no opinion in your explanation.

The Hon. J. Gazzola: It was not opinion; it was fact.

The Hon. I.K. HUNTER: It shall become fact in time. They were so exciting to the palaeontological world that they received movie star treatment with their own feature article in the April edition of *New Scientist*. This is attention that the leader of the Liberal Party can only dream of as he races to his own extinction event.

These fossils are now some of the most precious in the world. They include families such as Arkarua, Charnia, Dickinsonia, Ediacaria, Marywadea, Onega, Pteridinium and Yorgia, as well as other fossils we are all very familiar with. We see them on the other side of the bench—Lawsonia, Schaefarea and Lucasaria—and it is a shame to note that the Lucasaria, of course, was driven to extinction before his time by relentless competition in his own party.

These fossils are the most precious in the world—unlike those across from us—and they are subject to theft, unfortunately, by poachers—a fate that will not be known to those opposite. Will the minister advise the chamber of moves by the government to better protect the Ediacaran fossils?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question and extensive explanation. I fear that he has stolen my thunder. Certainly, he is correct in saying that they are amongst the most important fossils in the world. Today, I am announcing the Ediacaran Conservation Reserve, which is home to these fossils. The reserve will be upgraded to conservation park status, which will preserve these precious examples of some of the most primitive life known to have existed as well as bring the living flora and fauna in the area under the protection of the National Parks and Wildlife Act.

The Department for Environment and Heritage is also drafting a management plan for the area, which will be released for public consultation later in the year. Proclaiming the conservation park provides greater legislative protection for the fossils and, of course, an improved protection of ecosystems within the park generally, which include the river red gums and the open mulga shrublands. For those members in the chamber who are unaware of the significance of these fossils (although the Hon. Ian Hunter did not leave any doubt), I am told that their discovery in 1946 prompted scientists around the world to re-evaluate how and where complex land organisms evolved.

They are believed to have existed in the period between 635 million and 542 million years ago. That particular geological period is now named after the fossils. Just 30 of these fossil sites dating back to this period exist around the world, so better protecting the area after which they are

named is, of course, a high priority for us. These sites show a time when the earth was a very different place from what it is now. Scientists believe that the organisms preserved in the rock were soft-body animals that predate shelled creatures, making their fossilisation all the more remarkable.

Sadly, these fossils are highly prized on the black market. The exact locations are therefore not widely publicised and we do not intend to change that. However, the South Australian Museum has a fantastic display of these fossils and I urge all members in this chamber to have a look at that. I am pleased that this government is now placing this extremely precious site under conservation park status, and I look forward to seeing the draft management plan.

SUPPLY BILL

Second Reading.

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

That this bill be now read a second time.

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

Leave granted.

This year, the government will introduce the 2007-08 budget on 7 June 2007. A Supply Bill will be necessary for the first three months of the 2007-08 financial year until the budget has passed through the parliamentary stages and received assent. In the absence of special arrangements in the form of the supply acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. The amount ing sought under this bill is $2 000 million.

The Hon. P. HOLLOWAY: I did, of course, introduce this bill prior to prorogation. On that occasion, my very brief speech indicated that the government is providing money for the provision of supply for the period after 30 June. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $2 000 million.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 101.)

The Hon. R.I. LUCAS: Before the luncheon break I was talking about reform of the Legislative Council, and I commented on the committee systems of the parliament, in particular the operations of the upper house committees. To conclude that aspect of my contribution, one of the major reforms that is now being implemented is the commencement of the introduction of non-government chairs of committees. Rather than putting that as non-government, it is the same circumstance that occurs in most other houses: it is a decision of the majority of members of the upper house to reflect the power balance in that chamber in terms of chairing of the upper house committees. I put it that way because the federal Senate, after many years of non-government chairs, when the coalition attained power and gained control of the Senate it regained the privilege of chairing the various committees in such circumstances.

In Victoria there have been differing alliances or power balances where the Labor Party and the National Party did a deal in relation to a number of the standing committees to enable Labor and National persons to chair various standing committees. However, a different power base of Liberal members and non-Labor members established a non-government chair of two of their more important select committees, one of which looked at the Tattersall/Tabcorp tendering scandal in Victoria. In both circumstances it is the majority view of the chamber at the time that has been reflected in the chairing of the committees.

The new position of the Liberal Party in the Legislative Council has been to support the proposition that that be introduced. We have seen that occur in relation to a proposition for Families SA, although, as government members chose not to serve, it did not require it. We have expressed our view in relation to the new Budget and Finance Committee. Consistent with every other upper house, we will see that process built on because, if the Labor Party was to go into opposition after 2010, rightly, together with other independent and third party members, it would adopt the position that the precedent had been established. If the Liberal Party remains in opposition after 2010, the issue in relation to chairing of committees (both select and standing) is one that ought to be subject to a majority view of the upper house, as occurs in other upper houses throughout the nation. That, in itself, will be one of the more significant reforms in terms of the operations of committees of the parliament.

Sadly we have seen for 10 or 11 months now that the critical inquiry into the Atkinson/Ashbourne scandal has not been able to come to a conclusion because the government chair of that committee is refusing to convene it. One can only assume that the Attorney-General and those close to him are closely vetting the draft report (contrary to standing orders, I might say) to ensure that they are suitably happy with the draft report that has been brought to the committee for a final say.

That is just one example where the position that has been observed—I think fairly successfully—for many years has been debased by the recent practices of government members. I do not include all government members who sit on committees in that. Certainly, a number of the committees have continued to work assiduously. However, I think the reality is that, when it gets to the pointy end of town, if something is going to cause embarrassment to the government or one of its ministers, clearly, the government will make a decision, or has made a decision, to either close it down or endeavour to impede the progress of the work of those committees. So, that decision in and of itself has the potential to be a significant reform in terms of keeping governments accountable to the parliament—because, of course, there is precious little accountability with respect to government controlled committees. We have seen the stultification of the Economic and Finance Committee: the once proud and very powerful Economic and Finance Committee is asleep.

The Hon. B.V. Finnigan: You've got members on it.

The Hon. R.I. LUCAS: A minority cannot impose its wish over a government majority, and the government majority has been very successful in closing down the accountability of the government to committees such as the Economic and Finance Committee of the parliament. That is

why one needs a strong Legislative Council and a strong and independent committee system—as I said, hopefully, even more substantially based within the Legislative Council.

A couple of other issues have been raised in recent times that relate to standing orders. I note that, during my time in the Legislative Council, one of the conventions that has so far been observed by government and oppositions has been that any changes to the standing orders have proceeded only on the basis of agreement between all the parties in the Legislative Council. It is different from the conventions of the House of Assembly where, essentially, if you have the numbers you use them. We have seen that recently in relation to the sitting times debate in the House of Assembly. However, to be fair, governments of all persuasions over the years, when they have had the numbers, have amended the standing orders in the House of Assembly.

A different convention has thus far been observed in the Legislative Council, and that is that, even if the government of the day was able to achieve a majority in the chamber, if the alternative government has not been in agreement, the standing order changes have not proceeded. Indeed, I have given an example on a previous occasion where the government and the opposition were in agreement with a potential standing order change but the Australian Democrats were not, and we chose not to proceed with it on that basis. It was a bit easier in those days, because there were only three groups to consult with. The fact that we now have the government, the opposition and six Independents, essentially, representing four or five different views, makes it more difficult.

I would see that convention as evolving, and I hope that something can be agreed between the government and the opposition, and also perhaps a majority of the non-government members, so that, if there are six non-major party members, at least four of them would have to agree before a proposition could proceed. I suppose that would provide some protection in a situation where only one person out of 22 was opposed to a proposed change. I would certainly have some concerns if either the government or the opposition—in terms of a permanent change to standing orders with respect to our processes and procedures—were to proceed on the basis of perhaps either of them, together with the minor parties, going down that path.

I would argue strenuously that it is different to the decisions we take on a day-to-day basis in relation to the procedures of this council, and indeed even the sessional orders. Different views have been expressed on occasions in relation to the exact wording for right of reply issues. When we are talking about our bible, which is, in essence, our standing orders, I would hope that we would continue to observe some variant, anyway, of what has occurred thus far, which does place us in a different position to the House of Assembly. However, I think it is an eminently defensible position where all interests can be—to the extent that that is reasonably possible—protected.

That does raise the issue of sitting times and a couple of other things like that. I have to say that, personally, I am a member who has been in this council through a number of different stages of the family cycle; that is, with young children, with teenage children and now with adult children who are still living at home. I believe I can speak from some personal experience, at least, as one individual member, in relation to the issue of sitting hours. Some of the nonsense I have read in the newspaper and from the House of Assembly makes little sense to me, anyway, as one individual member. If it is the view of other members of parliament, I accept that that is their view and their particular situation, but I find it hard to defend some of the political commentators who see reform as being family friendly hours as they define them, yet they have never actually been in that situation themselves.

One of the arguments I have heard is that the Legislative Council should not have a 1¾hour dinner break; it should be only an hour and a half. In the end, if that was the decision that was taken, so be it; I would not die in a ditch over it. My personal view is that during all stages of my family cycle that has been most useful in allowing me, as a metropolitan member, to get home during the dinner break and have an evening meal with the members of my family. When the children were young at least they were there. When they were very young they were probably in bed asleep. The Hon. Mr Hood, if he is getting home at 6 or 6.30, may well find that his young one is asleep during those hours, but as they get older—

The Hon. D.G.E. Hood interjecting:

The Hon. R.I. LUCAS: Well, indeed; he gets that opportunity. In terms of family friendly hours, for some members with that stage of the family cycle, having that extra quarter of an hour, believe me, it assists. It does give you a chance to get home, particularly with the tram and other things these days, so it might be a bit longer. However, if it is 15 to 20 minutes there and 15 to 20 minutes back again, at least you can get about an hour or so during a period when your young ones will be awake and before they hit the sack. So, there is that issue.

The second issue I would make in relation to some of these arguments about family friendly hours is that in my experience—again, at all stages of the family cycle—on most occasions if I was not sitting in the council from 7.45 until whatever the hour happened to be, there would be any number of party functions, organisational meetings or meeting requirements that I would have to attend. On any number of occasions you say to a particular group that asks you to attend their particular meeting, 'I'm sorry; we are sitting that particular night.' If the council is not sitting, you have the option as a member of parliament to say, 'Well, no, I'm going home for the family friendly hours to spend time with the family. I cannot attend either the Liberal Party branch meeting or the council meeting', or whatever it might happen to be.

So, I think this view that some people have that a member of parliament's job entails only the time he or she spends in the parliament is delusional. People do need to think it through when they talk about family friendly hours and what that will mean in relation to members being able to have more time at home. It may well be that, in some circumstances, if the parliament does get up at 6 p.m., instead of getting home for an hour to an hour and a half during the dinner break you will be heading off to one or two meetings. Believe me, the meetings never get any fewer; there are just more and more people who want to meet with their elected representatives. In the end I am happy to say that I will not personally die in a ditch over it, although I would like to hear much more persuasive arguments than I have heard so far in relation to the sitting hours of parliament.

Let me add that one of the problems we face is that a chamber with strong powers to keep governments accountable needs the operations of the committees, and these have tended to meet in the mornings before parliament sits. If the parliament is to sit at 11 each morning, that obviously reduces the capacity of the committees to sit—at least during the 17 or 20 weeks that parliament may sit. Now, it might suit the

government of the day if the meetings are fewer or can be put off, or whatever, but I think those interested in the strong committees that keep governments accountable will need to factor that into their considerations when they are talking about the issues of timing.

With the family cycle as it is now, adult children (as a number of other members will know) are not particularly interested in spending huge amounts of time with their parents—indeed, the issue of whether parliament finishes at 6 p.m., 7 p.m. or 9 p.m. will not be a huge issue for the Lucas household at the moment, because each of them has their own life and keeps the hours that living that life entails.

The PRESIDENT: What about the grandkids?

The Hon. R.I. LUCAS: Well, to my knowledge there are none at the moment, but that is the next stage of the family cycle, and the Hon. Mr Sneath and some other members may be at that stage of the family cycle with their grandchildren.

The point I am making is that some of the media and other commentary has been superficial. 'Family friendly hours' is a cute term, and it sounds as if it will in some way resolve the pressure on families. My colleague the Hon. Caroline Schaefer highlighted the particular issues of country members, and I know it has also been highlighted in the other place. The Hon. Caroline Schaefer, with the Hon. Mr Finnigan I suppose, is one of the few members of this council still living in an area outside the greater metropolitan area.

I accept that it is an issue for individual members, and I accept that the majority view may be different from mine. It may be that there will be some changes in the sitting hours, but people should not necessarily believe that this is some sort of cure-all and that suddenly the families of members of parliament will be much happier and will see much more of that family member. I will be very interested to see the record a couple of years down the track if the changes are brought in.

Another issue regarding standing orders that I want to address briefly is that in relation to restrictions on speech times. The convention in this chamber (with the exception of question time and the recently introduced reform by the former government that matters of importance or grievances be for 5 minutes) has been that individual members of the Legislative Council are entitled to speak for as short or as long a time as we choose. In that, we are significantly different from the House of Assembly—and indeed from some other chambers. Again, I express a personal view: I do not profess to speak on behalf of the party, but I have a very strong preference for that to continue to be the case in the Legislative Council. Some have said to me, 'Well, the House of Assembly proposition is the best way to go, where the lead speaker is not limited and everyone else has a restriction.' Well, I understand the Liberal Party lead speaker on the housing affordability bill spoke for 6½ hours. I can say that in all my time in the Legislative Council—

The Hon. Carmel Zollo: Not even you have managed that.

The Hon. R.I. LUCAS: I'm not the record holder; I think that is the Hon. Legh Davis and possibly the Hon. Terry Cameron, who were about the 3½ hour mark. If that provision were to be introduced into the Legislative Council, I would not see significant differences, anyway, because the longer speeches do tend to be by the first speaker for the opposition. If the first speaker for the opposition can have an unlimited speech, does that mean that the first speaker for the Greens and the first speaker for Family First and others should be restricted in the time they can devote to a particular issue? We have roughly one-third, one-third and one-third in the Legislative Council, and it is an interesting point that the lead speaker for the main opposition party would have unlimited time and the others would not.

In all the speeches where people sometimes express frustration and all these motions we have in private members' business, the person who moves it generally speaks the longest and the person who is having to rebut it on behalf of the government may also speak for a lengthy period of time. For example, if the opposition has a censure motion which is listed in private members' business and opposition members have spoken for up to an hour attacking 55 different points a minister has made, in those circumstances I believe the minister is entitled to respond to each of the points of criticism before the council votes on the censure motion. I think that most of the speeches are made by the people moving the motion. So, if you move to the House of Assembly's system, you are not going to change that at all. We have never had the circumstance of someone speaking for 6½ hours as members of the House of Assembly may under its standing orders. I know Iain Evans spoke for three hours or so on a—

The Hon. J. Gazzola: Three or 3½ hours.

The Hon. R.I. LUCAS: Which bill was it?

The Hon. J. Gazzola: Shop trading hours.

The Hon. R.I. LUCAS: Yes.

The Hon. J. Gazzola: 3½ hours.

The Hon. R.I. LUCAS: It was 3½ hours. John Mathwin spoke for three hours or so on a casino bill on one occasion. There have been isolated instances, and this is over 20 years we are talking about. In relation to my 24 or 25 years, or however long it is, in this place, I can remember the Davis speech and the Cameron speech but, other than that, there have certainly been a number of speeches that have gone for about an hour, 1¼ hours, an hour and 20 minutes, or something like that, but by and large those instances are unusual. In my view, they do not take an excessive amount of the time of the parliament. There are any number of other devices, anyway. If you introduce a provision which limits you, you can move any number of motions which note something slightly different and you can get up each time and make a speech, anyway. There are any number of devices you could use, if you wanted, to limit it.

I think the committee stage takes up the greatest amount of time in this chamber, which is appropriate. We have a government, an opposition and six Independent or minor party representatives, so on any amendment we might have four or five different points of view being expressed and having to be expressed to try to determine a majority position in the chamber. Again, as a personal view, I have never been convinced and am still not convinced about putting in a time limit. One of the arguments against it (and I know it happens with debates on the Supply Bill and the Address in Reply in the House of Assembly) is that, whichever party is in opposition, every member is told they have 20 minutes which they have to fill. They then have a second 10 minutes and every member is told they have to fill them.

The Hon. B.V. Finnigan: They have an hour for the Address in Reply.

The Hon. R.I. LUCAS: Yes; and everyone is told to take their time. Certainly, in debates on the Supply Bill and stuff like that, every member is told (not necessarily every time but on most occasions), 'You've got the time, so use the time,' and everyone goes to their full limit. Certainly, in this

chamber, you will get some longer contributions, you will get some members who will not speak at all, and you will get some members who make short and concise contributions.

I have to admit that I am starting to have question marks (and I know that some other members of the chamber have questions marks, too) over the potential issue of introducing time limits in Question Time. I know there is a sense of frustration from members generally in relation to the length of answers, although occasionally it may be the length of the question, as well. I have, so far, opposed that—and my colleagues know that—but there is an increasing view among some that recent experience would indicate that perhaps we ought to have a look at that.

If we were to go down that path, I would strongly oppose any abnormally short period of time for members to ask their questions. The process in the House of Assembly and in the federal parliament does not allow members to fully explain their questions. There might be a middle ground between that and an excessively long question explanation. I think one of the attractions in the Legislative Council has been its history of allowing a fulsome explanation of a question before it is asked.

The question then, of the length of reply by individual ministers, is an issue for some discussion and debate at the moment. All oppositions will complain about the government of the day. I can honestly say that we never got to the stage in government where we were setting up Dorothy Dixers on portfolios that did not relate to the upper house. We have seen, over the past five years, some government ministers getting questions outside their portfolio area—Dorothy Dixers—and then reading the ministerial press release from another place. I can indicate that that never occurred when we were in government. I do not think it ever occurred under the previous Labor administration, either. It is that sort of frustration where, clearly, quite a deliberate tactic is being used just to fill out Question Time. All governments do it, and we were guilty, as well.

If there was a particular issue of the day, I know that the Hon. Legh Davis would put questions to me (on electricity in particular) and I would use Question Time to rebut a particular proposition that had been put by an opposition member, and I know that on occasion my other ministerial colleagues would also do that. I have to say, in relation to the Hon. Legh Davis, that he invariably came up with the questions and I did not give them to him. But, nevertheless, I accept that they were of the nature of being Dorothy Dixers. In my time I can recall only very rarely drafting questions for him to ask me—outside areas of combat, anyway, between the government and the opposition.

What we are seeing at the moment are press releases being issued about areas that are not in combat between the government and the opposition—whether it be on fossils or whatever—and there is no disputation at all, but questions are being asked and, in response, a press release is being read out. On one famous occasion, I was nearly a second ahead of the Leader of the Opposition reading word-for-word what he was about to say, and only after about a paragraph or two did he realise, much to his embarrassment, what was going on—that I was actually quoting him word-for-word from his reply.

There is an issue in relation to Question Time. I accept that the opposition will always have a different view to the government but, ultimately, it may well get to the stage in the future where people like myself who have not supported restrictions on answers within Question Time will be forced to reconsider their point of view.

The final point I wish to make is to thank you, Mr President, and the Hon. Mr Gazzola, as honourable members of the left, who, in recent times, having made bets and lost them, and being men of integrity, have coughed up—in your case, Mr President, it was a small bottle of beer (I am not sure what I will do with it; it still has the Christmas wrapping on it), and in the Hon. Mr Gazzola's case, it was a small bottle of Coke, which was much more sensible.

As you know, Mr President, I am still waiting for the welsher from the west—or, as you prefer me to call him, Mr President, the member for West Torrens—to pay me the $50 he still owes me for an outstanding bet. I congratulate you, Mr President, and the Government Whip, the Hon. Mr Gazzola, as men of integrity. When you lose a bet, you are prepared to cough up, and I acknowledge that on this occasion. In your case, Mr President, I will not embarrass you by indicating the nature of the bet. In the case of the Hon. Mr Gazzola, the most recent bet related to the Crows and Port Power. I again thank the Governor's Deputy for his speech, and I congratulate him.

The Hon. B.V. FINNIGAN: I join with other members in extending to Her Excellency the Governor and His Excellency the Governor's Deputy our thanks for their service over the years. They have occupied those positions with distinction. I support, of course, the motion on the Address in Reply. I also extend my thanks to Her Majesty for her gracious message congratulating the Parliament of South Australia on its sesquicentenary.

I congratulate the Hon. Mr Ridgway, the Hon. Ms Lensink and the Hon. Mr Wade on their promotion to their various offices, and I offer my commiserations of a sort to the Hon. Mr Lucas. Whatever our criticisms are of his performance as a minister and in opposition, I do not think there is much doubt that he is one of the Liberal Party's more effective performers. Why he has been banished unceremoniously to the backbench is something of a mystery to us but, nonetheless, I wish him well and look forward to serving with him on the Statutory Authorities Review Committee.

I also congratulate Mr Martin Hamilton-Smith, the member for Waite in another place, on his election to the leadership of the Liberal Party. It is always an honour to lead one's party. When I saw the makeup of the shadow cabinet, I thought that perhaps he was a fan of Gilbert and Sullivan's *Mikado*, because in the party room he seemed to be the Lord High Executioner and now in the shadow cabinet he is the lord high everything else. He obviously does not have much confidence in his colleagues as he has taken on so many portfolios himself. Time will tell what sort of job he makes of them.

Unfortunately, it has not been an auspicious start by the new Liberal leadership team, both in the lower house and in the upper house, where we have had a lack of questions and the extraordinary strategy on Tuesday where question time was replaced by an urgency motion. I can only imagine that that is part of a new strategy by the opposition, particularly in this place, to lessen the influence of the minor parties and the Independents by ensuring that they are deprived of the opportunity to ask ministers questions. Perhaps finally members opposite have realised that the minor parties in this chamber are more of a threat to them than the government in terms of detracting from their position as the alternative government and have decided to start trying to prevent them having the ability to use the forums of parliament.

On Tuesday, in particular, we saw an extraordinary and bizarre litany of vitriol and personal invective aimed against members of the government, including those in the lower house. From the Hon. Mr Ridgway we had the suggestion that the Premier, Mr Rann, had no commitment to South Australia. He also suggested that the Leader of the Government in the council is a dinosaur. If he is a dinosaur, I can only suggest that he is a Tyrannosaurus Rex and that he does not have much chance of being dethroned by members opposite at this point in time.

The Hon. Mr Ridgway and the Hon. Ms Lensink also reflected on my connections to the SDA and my affection and regard for Mr Don Farrell. I do not know whether they ever listened to or read my maiden speech about 12 months ago, but I believe I said that I was an SDA man through and through, and I indicated my regard for Mr Farrell and other officials of the SDA. Why it has taken them 12 months to work out my pedigree, I am not quite sure, but apparently it has upset them considerably.

The Hon. J. Gazzola interjecting:

The Hon. B.V. FINNIGAN: Yes, that was a very urgent point. The Hon. Ms Lensink also engaged in an extraordinarily personal and quite disgraceful attack on me and the member for West Torrens in another place and, in my view, impugned our integrity. It was a particularly bitter attack. I am not quite sure what would motivate it but, perhaps, one could assume that she wanted the leadership of the opposition in the Legislative Council. However, given that the Right has the numbers on the opposite side, she was unable to command it—not that it did them much good when it came to the leadership of the Hon. Iain Evans.

The Hon. Ms Lensink also had the extraordinary presumption on behalf of the Liberal Party to lecture the Australian Labor Party on the number of women in parliament, and this from a party which, in the past couple of days, has seen the leading confidant of the Prime Minister, Senator Heffernan from New South Wales, suggest that Julia Gillard was unsuitable to be the deputy prime minister of the country because she did not have children. That was an extraordinary and quite nasty attack—one which has no justification and which should be rightly condemned.

However, it is the strategy of the Liberal Party, particularly federally, to play this dog-whistle game of sending out messages aimed at the right people through the lieutenants of the Prime Minister. We know that of the 23 members of the state's Liberal opposition five are women. In the Australian Labor Party (the government) 15 of the 36 members are women. In the federal parliament, of the 14 Liberal members only one is a woman, the member for Makin, Trish Draper. She is retiring at the next election, and a male Liberal candidate is contesting that seat.

There is, of course, the vacancy caused by the resignation of Senator Vanstone, and it is possible that that vacancy will be filled by a woman, in which case they will have two women out of 14, and who knows what after the next election. Of the ALP's federal representatives six are women. Also, in this state we have many fine Labor women candidates for the next federal election. We have just preselected five in the last week. I particularly draw the attention of members to Amanda Rishworth, who is a good friend of mine and a very able candidate. She is a qualified psychologist. She is very much committed to seeking the support of the electorate of Kingston and, after the election, she hopes to represent those fine citizens in the federal parliament.

Another interjection the Hon. Ms Lensink has become quite fond of lately is to say that she hopes I enjoy a long and distinguished career on the backbench. Why it is that the Hon. Ms Lensink has contempt for anyone serving in the parliament if they are not a minister is a little beyond me. I think it is a privilege and an honour to serve here at all. If the good people of South Australia decide to keep the Legislative Council and decide to elect me to it, I will be very proud and privileged to serve in it. I would never have the presumption to say that I had somehow failed in my representations of the people of South Australia because I was not a minister.

Again, I think that is a poor reflection on the many fine parliamentarians who never attain ministerial office or serve as presiding officers. Perhaps that is also indicative of an attempt to turn the focus against the minor parties and Independents in this place, none of whom effectively aspire to ministerial office. To suggest that someone such as the Hon. Mr Xenophon, the Hon. Mr Hood or any of the other members on the crossbenches are failing in their representation or careers because they are not a minister is, I think, quite a contemptuous reflection from the Hon. Ms Lensink.

What we have seen from the Liberal Party is no vision or alternative for this state. The new leadership team is telling the media and others that they would come along with a great new program, and what did we get? A bit of personal attack, vitriol and bitterness with no vision and absolutely no alternative policy. It is not for me to advise the members of the opposition but, if it were, I would suggest that they spend less time obsessing about me, the member for West Torrens and the other members of the government and spend a little more time developing policies and coming up with decent questions. If members opposite have a problem with the member for West Torrens they are free to resign from this place and contest him at the next election.

Why members of the opposition seem to have obsessions with members of the government is a little extraordinary. Perhaps they should spend more time developing policies, thinking about their questions, putting their alternative proposals for the governance of this state and trying to hold ministers to account instead of engaging in these puerile attacks. It has been a disappointing start by the new Liberal leadership team. I do not doubt that there will be more ructions within the Liberal Party and, if there is no change in their poll results in the next couple of Newspolls, we may find that the Hon. Iain Evans becomes the once and future king rather than simply a failed leader. It has been a disappointing start from the new Liberal leadership team and does not reflect well on them at all. It seems they have given up trying to hold the government to account or putting an alternative and they have decided to get down in the gutter and have a bit of fun.

I will take this opportunity to reflect a little on the sesquicentenary and on some issues relating to the future of this parliament. It is a great achievement that South Australia has racked up 150 years of responsible government and parliamentary democracy in this state. I cannot recall who said 'Two cheers for democracy; one because it permits variety and two because it permits criticism.' Two cheers are quite sufficient, there is no occasion to give three, but on this occasion we can certainly give ourselves two and a half or three cheers, because 150 years of stable, sound government with democratic elections is something to be proud of.

I will touch on a couple of matters, one being the federal system and its future and the other the functioning of parliament—and we have had some discussion about that

today from the Hon. Mr Lucas and other honourable members in their contributions on the sesquicentenary motion. I was asked today by my good friend Mrs Emily Bourke, who works for my colleague the Hon. Mr Wortley (and I congratulate Aemon and Emily on their splendid wedding, which I had the honour to attend a few weeks ago—a fine occasion and a good country wedding, which we all enjoyed), why the state parliament selects a senator. It would seem a little incongruous that the state parliament would be choosing members to serve in the federal parliament. Few people would realise that the Senate was conceived as the states' house, the place where states had representation and which would be a protection against the powers of the federal government. It was something the smaller states insisted on, because they had some reluctance to join the federation on the basis that they might find themselves overwhelmed by the larger, more populous states. Unfortunately, that has been the trend over the years.

A lot of people talk about getting rid of state governments and debate whether it would be more efficient, as we are over-governed. There was a time when I thought that sounded like a good idea, because it would make more sense to have one national government and some level of regional governments that would replace state and local governments. As you get older you get a bit wiser sometimes (although not always), and I realise that small states like South Australia would lose out in that sort of system. I very much want to protect the rights of the states, which rights have been whittled away over the years under both sides of government. It is normally the Labor Party that is associated with a centralising tendency but, over the years, as I mentioned in my maiden speech, John Howard is emerging as the new Whitlam. He is very fond of centralising all power in Canberra, because he has no confidence in his state oppositions to deliver government in any of the states, quite understandably.

Over the years that has been the trend: to centralise power in Canberra, and we have seen that with the income tax referral of powers in the Second World War and in a number of High Court cases such as Tasmanian dams and many others. Under the Howard government we have seen an unprecedented use of commonwealth power, and the industrial relations or WorkChoices case is the most recent example of that. That is a very unfortunate decision, in my view, and will make it much easier for the commonwealth, through the corporations power and other powers of section 51, essentially to prevent the states from being able to legislate in areas that should be proper to them. I draw members' attention to some of the excellent minority judgments from Justices Callinan and Kirby, and I know the Hon. Mr Xenophon has quoted Justice Callinan a number of times. Justice Callinan said as follows:

> There is nothing in the text of the structure of the Constitution to suggest that the commonwealth's powers should be enlarged, by successive decisions of this court, so that the parliament of each state is progressively reduced until it becomes no more than an impotent debating society.

He continued:

> The validation of the legislation would constitute an unacceptable distortion of the federal balance intended by the founders, accepted on many occasions as a relevant and vital reality by justices of this court.

In his dissenting judgment, Justice Kirby said:

> All those hard-fought decisions of this court and earnest presentation of cases, the advocacy and the judicial analysis and elaboration within them concerning the ambit of s.51(XXXV) of the constitution, were virtually (without exception) a complete waste of this court's time and energies. . . The majority concludes that not a single one of the myriad constitutional arguments of the states succeeds. Truly, this reveals the apogee of federal constitutional power and a profound weakness in the legal checks and balances which the founders sought to provide to the Australian commonwealth.

I would very much commend those dissenting judgments to honourable members; they are indicative of the problems that state governments will face in the future.

I certainly support the Premier's call for a new constitutional convention or process to examine this issue to try to find ways in which we can achieve a new federal balance, and I congratulate the Premier and the Leader of the Opposition federally (Hon. Mr Rudd) for moving in that direction. We are fortunate in that we enjoy great cooperation between the states and, again, the Premier has shown leadership in forming and chairing the Council for the Australian Federation in that regard.

Looking beyond partisan politics, in my view it will always be in the interests of state governments to try to cooperate and ensure that there is a proper federal balance in this country. I think that is one of the greatest challenges facing our parliament over the next 150 years (hopefully), because 150 years ago was pre-Federation, and I am sure a lot of members looked at the books—which were put together by some of the table staff with great skill—and would have noted some of the portfolios that existed before Federation and how much things changed at that point. The trend since then, almost without exception, has been for the commonwealth to assume more powers and to take responsibility for more areas.

Finally, I would like to touch on the proper functioning of parliament or how we can be more effective in carrying out our responsibilities and ensuring that we have an effective legislature. Generally speaking, I would say that I am an upholder of traditions. I do not necessarily think (as some do) that we should junk some of the ceremonial aspects or try to change things to make parliament more like a private sector consultant would have it. However, I think there are a number of areas that we should look at—and I think the Hon. Dennis Hood indicated some of the technologies that could be of assistance. I am sure there would be the capacity to provide small LCD screens (or something like that) for members, which a lot of courts now have, or laptops or whatever, so that we would need less of the tsunami of paper with which we are normally surrounded. There is also the issue of the broadcasting of parliament. I believe that we are one of the few state parliaments not to have any sort of broadcasting—

The Hon. D.G.E. Hood: The only one.

The Hon. B.V. FINNIGAN: —the only one, the Hon. Mr Hood tells me—to the wider community through the internet, which is a fairly cost-effective way in which to do it. I would not suggest for a moment that the government should invest in a statewide television channel to permanently broadcast the state parliament—I do not think there would be much demand for it—however, there are those who would like to be able to listen to or watch debates on the internet. I think it would also be of assistance to the media to be able to access the audio and video recordings of parliamentary proceedings so that they are then able to broadcast it. One might argue that that would, on some occasions, improve the quality of the debates—I am not sure whether that is quite true—however, this is one area in which there has been quite a lot of movement over the years.

There was a lot of controversy when they first started broadcasting the House of Commons in the 1960s—or perhaps 1970s—(at least, on radio) because some members thought that the general tenor which parliament can sometimes have, particularly during question time, and so on, would misrepresent the general good work of parliamentarians to the wider community, and they might just see us as a bunch of squabbling schoolchildren—and that, of course, is the image that a lot of people have of parliament. I think the opportunity for people to have a look at the debates that occur in this place might assist in their forming a better understanding of what happens. I think it would be of assistance to members to know that the capacity for their contributions to be broadcast is there, so they can keep that in mind during their speeches.

All this would involve some cost, of course, and I do not imagine that the Treasurer (Hon. Mr Foley) would be that keen on hearing what I have to say in terms of spending a lot of money on it. Of course, these reflections are my own, and not those of the government or the party but, in terms of audio broadcasting, in particular, given the system that currently exists to enable Hansard to be taken, one would have thought that that would be a relatively simple thing. Video, of course, would be a lot more difficult but, again, technology has made a big difference, and we could have relatively inexpensive and unobtrusive video equipment, quite different from what would have been required not so long ago.

One other thing that I believe would be useful relates to committees where witnesses are called. It might be easier to have one or two rooms that are permanently used for that purpose, which would require less setting up for Hansard and for some of the other things. Again, it would make it a lot easier for media coverage. It is sometimes a bit of a distraction when the media scrum comes along to a committee. Of course, the members of the media are only trying to do their job, and rightly so: they are trying to get the necessary footage or audio, if that has been allowed by the committee. I do not suggest that they should not be entitled to do so, but I think it would make it easier for everyone if it was set up in such a way that they were able to access a feed of the parliament without having to bring all their own equipment.

The other matter that has been touched on by a few members relates to standing orders, sitting times and so on. I think that is something that we should have a think about. It is something that we would need to discuss sensibly and rationally and we would have to try not to turn it into a party political exercise, because then it just will not go anywhere. However, there are some standing orders here which are very much honoured in the breach, not the observance, or which are routinely suspended, such as in the setting up of select committees. I think that is worth looking at.

I believe that we also should look at sitting times. That is not something that affects me greatly; I do not have a young family, and Mount Gambier is sufficiently far away that I pretty much have to be here by early Tuesday morning. I almost always drive, so there is not much capacity to come up early Tuesday or to go home Thursday night as I prefer not to drive in the middle of the night or early in the morning if that can be avoided. So, that does not have a great impact on me personally, but I understand that those members who have young families would have some serious concerns about the sitting times, and I think that is something we should think about.

There is also the question of speech limits, and I take the Hon. Mr Lucas's point that, sometimes, if you set a limit for the amount of time that can be taken, it means that people will feel obliged to use that amount of time; that is, if they have 20 minutes they feel they must speak for 20 minutes. I do not think there are that many great speeches in history that have gone for longer than about 15 to 20 minutes. Having said that, I think the one I am giving now has gone on for longer than that, and I am sure some members might think that reflects on the quality of the contribution.

I think we should think about that as well because, while members, of course, are entitled to have their say and we would not want to stifle that opportunity, I think we can think a bit more logically about how much time people really do require to make the points that they want to make. Notwithstanding that, there are opportunities in the lower house, for example, when introducing a bill or during the Address in Reply, where members have a bit longer. With Matters of Interest, we are well attuned to getting in what we want to say in five minutes, and I am sure that on most bills 15 to 20 minutes would be ample to express most members' opinions. These are all matters that I think we should consider and try to have a rational and sensible discussion about as a group, given that we are going to be here together for at least the next three years.

On the question of Legislative Council reform, if I may finish with that, I will have more to say, hopefully, when a bill is presented. I point out that it has been longstanding Labor policy for many years that the Legislative Council be abolished, so I do not think it is fair to say that this is some new thing or some innovation of the Premier; it is a fairly longstanding policy. I remember years ago the now Attorney-General moving a motion to that effect at the state council of the ALP, and the late Hon. Terry Roberts pointed out that it was already on the platform so it was out of order, and so the motion was withdrawn. It is a longstanding policy and should be considered in that light. I ask members to keep an open mind about the effective functioning and future of the Legislative Council. Even if they oppose its abolition, I think there are—

The Hon. S.G. Wade interjecting:

The Hon. B.V. FINNIGAN: The Hon. Mr Wade points out that the Labor Party has a policy to abolish the Legislative Council, and I think we all know that. That was something the Premier announced before the election, so I am not quite sure why that would be news to him. What I suggest is that members keep an open mind about the options for reforms and, if they do oppose abolition, they could at least think about how to make it work better and how to ensure that the will of the people is reflected properly every four years in the Legislative Council.

We have heard in many people's contributions to the sesquicentenary motion that there has been a lot of change over the years. I do not think it would be appropriate for us to say that the final form of the Legislative Council that has existed since the 1970s is the be-all and end-all and can never change. We should always have an open mind about what might be the best way of the future. The Hon. Mr Wade points out that the Labor Party does not have an open mind on it, but I would reinforce that it would be a decision of the people of South Australia. We are not in a position to dictate to them what they should have; we would allow them to make the decision.

I will have more to say on this issue, I suspect, when a bill comes forward. I do think members, rather than just assuming

it is some sort of partisan attack, should think a little more carefully and give some proper consideration to how the Legislative Council might be reformed or changed in a way that will make it more effective and more able to accurately represent the will of the people on a regular basis.

With those remarks, I again thank Her Excellency the Governor and His Excellency the Lieutenant-Governor for their service, and the Governor's Deputy for his address, and I commend the motion on the Address in Reply to members.

The Hon. S.G. WADE: At the outset, I would like to thank the Queen for her message to the parliament on the occasion of our special sesquicentenary opening of parliament, celebrating 150 years of successful responsible government in South Australia. It was a great honour for this parliament to receive a message from our sovereign on such an occasion. Her Majesty rightly reminded us of our duty as parliamentarians to protect democracy. She said:

> South Australia has enjoyed a distinguished history of democracy. . . So many of the democratic traditions which elsewhere are taken for granted in the 21st century were nurtured here by the people of South Australia. Those early South Australians sought to make their new state both representative and inclusive long before others followed their example. Members of both houses assembled here today are the latest guardians of those powerful traditions.

The sesquicentenary has indeed been a time for us to reflect on the powerful traditions that we hold as guardians. A number of members, including myself, have reflected on the development of democracy over those 150 years. In that context, I have been amazed at the total silence of the Labor members on the Labor stream of our history. In 1891, the involvement of organised labour in Australian politics began when Labor candidates associated with the United Trades and Labor Council were elected to the parliament of South Australia. By the following election, the United Labor Party had been formed and its successful candidates were the first Labor Party members elected to an Australian parliament.

On reflection, the silence of Labor members is understandable. They know that this government has wandered so far from its Labor roots that it is not recognisable as a Labor government. One of the telling moments in the last election campaign was when the Democrats asserted, 'Rann's Labor has corrupted Don Dunstan's legacy. This election, Don Dunstan would not vote Labor.' The Premier was furious—me thinks he protests too much.

Under Premier Rann, Labor has replaced principle with populism; rather than being driven by a light on a hill, the ALP has become crudely populist. In the past the Premier's opposition to uranium mining was so strong that he co-authored a book against it; now he leads the charge nationally to change the ALP platform to allow it. He has two conservative members in his cabinet, one of whom described the Labor government as more conservative than the Liberal government it replaced.

Recently, former ALP Senator Nick Bolkus criticised the Rann government for a lack of attention in traditional Labor areas of concern—Aboriginal affairs, housing, disability, mental health and the reform of young offenders. In place of Labor's traditional values Premier Rann follows the dictates of populism. He is like the French revolutionary who saw a crowd rush by and said, 'There go my people; I must find out where they are going so I can lead them.' Academic Hayden Manning has commented that 'Rann is very much in tune with public fears and plays on them'.

This government's populist vigilante approach knows no limits. Recently we had the state Labor Attorney-General calling for the public to dob in beggars—so much for a party rooted in social justice. A former journalist like two other Labor premiers, Premier Rann sees news as entertainment and politics as an art of entertainment rather than of leadership. For the Premier, policy is judged by the media it generates rather than the values it reflects or the outcomes it generates. Reasoned debate gives way to tabloid-style abuse of easy targets.

This week has shown the reality of celebrity Labor. I do not want to focus on Nicole Cornes, but I want to ask what that issue says about Labor. The Labor Party has three premiers who are former journalists and last week the party endorsed two journalists in Adelaide alone. It is as though the party's response to its over-reliance on trade unionists is to add a pile of journalists. Given its current penchant for celebrity and cronyism, the Labor Party will soon want to rename the lower house the House of Journalists and the upper house the House of Unionists. What does this episode say about internal democracy in the Labor Party? The Deputy Premier asked the potential candidate on Friday and she was on the flight as the endorsed candidate the next day—so much for an open nomination process and considered selection by party members. The Deputy Premier has a chat and the deal is done—after all, she is a celebrity.

To its great shame the Labor Party has been willing to prostitute its heritage to gain government. This is power for its own sake. Driven by populism, the Rann government is more interested in the communication than the message. The whole government is media-driven. Ministers constantly oversimplify complex issues for the sake of media spin. Faced with the road toll, minister Zollo constantly focuses on driver behaviour, ignoring the reality that better roads are more forgiving and can avoid a misjudgment becoming a fatality; faced with an obesity crisis, the government is fixated on fast food advertising; and faced with an affordability crisis, the government can do nothing but blame the federal government. As if to mock his own approach, on more than one occasion minister Holloway has demeaned this chamber by reading media releases word for word in answer to a question from a government member. So the first point I make is that this government is driven by populism and the media rather than by values.

Secondly, I say that Labor cannot manage. In the tradition of the State Bank disaster the Rann Labor government has repeatedly shown that it cannot manage. This government is leading us into another financial crisis in the form of WorkCover. Labor inherited an unfunded liability of $67 million in 2002, and under Labor that unfunded liability has ballooned to $694 million—that is, by more than tenfold—and the WorkCover board has advised that without change the funding position will worsen by up to $300 million in the next one to two years. After five years, Labor cannot blame the Liberal government; five years is plenty of time to take action, particularly when during those five years Labor installed a new board for WorkCover, a new CEO, a new claims manager and undertook six reviews. Yet there is still no sign of the unfunded liability being turned around. WorkCover is a mess, and it is Labor's mess.

During its first term the government also mismanaged the Public Service. Labor budgeted for about 1 000 extra public servants; in the end it employed 750 public servants over and above budget. Either Labor cannot plan and it drafts poor budgets, or Labor cannot manage human resources and it

over-recruits. The cost to the state of the unbudgeted public servants is around $500 million each and every year, or $2 billion over a four-year budget cycle.

The government's handling of infrastructure projects also shows that Labor cannot manage. The Anzac Highway project was originally costed at $65 million; it will now cost at least $120 million. The Northern Expressway project was originally costed at $300 million; a scaled down project will now cost at least $550 million.

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

The Hon. S.G. WADE: The Hon. John Dawkins reminds me that if the project had not been scaled down it would have been in the order of $900 million.

The ACTING PRESIDENT (Hon. I.K. Hunter): I remind the Hon. Mr Wade not to respond to interjections.

The Hon. S.G. WADE: The Queen Elizabeth Hospital upgrade was originally costed at $60 million, but we now know that it will cost around $300 million. On Saturday *The Advertiser* revealed that the government had known for months that the original estimated cost of $20 million for the Wellington weir was less than one quarter of the real cost. We now know that the weir will cost at least $110 million to build.

Mismanagement by Labor is not limited to money. Minister Zollo's handling of drug testing of drivers has been appalling. Initially the government did not include MDMA (pure ecstasy) in its random roadside drug testing laws, even though the model Victorian legislation did, and within a month the government back-flipped. Initially, the South Australian government was not going to test for drugs in persons found to have a blood alcohol level of .08 or higher—again the policy was reversed in the face of public concern. Recently, we find that compulsory blood samples taken from people involved in crashes are not being tested. What a waste of money to take samples and not test them! Labor is unable to manage.

Third, Labor is arrogant and refuses to be accountable to the people who elected it. A good example of this arrogance is the proposal to abolish the Legislative Council. On 24 November 2005 *The Advertiser* carried a front-page story with the headline, 'Rann to call referendum in 2010: Abolish the upper house'. This proposal was clearly at odds with the government's own $1 million Constitutional Convention. One of the clear results from that convention was support for the continuation of the Legislative Council; nonetheless the government announced its proposal. So what has been the public reaction? An opinion poll in February 2006 showed that 84 per cent of South Australians supported the continuation of the council.

At the 2006 state election, even though the ALP won a 9 per cent swing in the House of Assembly, it failed to increase its upper house representation at all. Some 84 000 voters who voted for the ALP in the House of Assembly did not vote for the ALP in the Legislative Council. Two-thirds of voters voted for parties in the council which support the continuation of the Legislative Council. Yet, in spite of these rebuffs, this arrogant government did not even blink. The day after the election, having hardly caught his breath, Premier Rann reaffirmed his determination to abolish the council. In spite of the public's clear reaction to his original announcement, he persisted with his plans. The arrogance is breathtaking.

In the day-to-day operation of the council, it is clear that arrogance has indeed infected the government from head to toe. Upper house ministers persistently fail to answer questions to the point where we have hundreds of unanswered questions. Government MPs refuse to participate in committees or fail to convene meetings they do not support. Recently minister Holloway publicly attacked the right of members of this chamber to initiate bills as private members. Similarly, minister Holloway refuses to even consider cross-bench suggestions to improve government amendments. If it is not the government's idea, it is not a good idea.

Of course, the government did receive a strong mandate on 18 March 2006, but I remind government members that so did the council. The people of South Australia voted for a Labor government, but they clearly did not trust it. They wanted this council to be a check on the arrogance of the government, and they used their vote for this chamber to strengthen the non-government membership. The wisdom of that decision has been demonstrated by the growing arrogance of this government since the election. This government stands condemned. Labor is driven by populism and the media, rather than by values. Labor is unable to manage, it is arrogant and it is unaccountable.

In conclusion, I assure the council that, over the three years to the next general election, the Liberal opposition will be vigorous in holding the government to account, both in this parliament and in the community. Rather than being driven by the media, we will offer leadership based on a vision of what is best for South Australia. We aspire to manage the state, not just the media. In opposition and in government, we will be accountable to the people of South Australia and responsive to their aspirations. We live in a great state; it deserves a better government.

In conclusion, I thank the Governor's Deputy for his gracious address, and I support the motion for the adoption of the address in reply. On the day on which the new governor and lieutenant-governor have been announced, I thank Governor Jackson-Nelson and Lieutenant-Governor Krumins for their exemplary service in their posts. I assure governor-elect Scarce and Lieutenant-Governor-elect Hieu Van Le of our full support as they assume and serve in their high office.

The Hon. A.M. BRESSINGTON: I also offer my thanks to the Lieutenant-Governor for his speech in this place when opening parliament. I also congratulate the President of the Legislative Council, who has been in the chair since the election in 2006. In my first speech in this place I expressed my faith in his ability and integrity to sit in that chair and to undertake his responsibilities well, and he has done so. I do not think any of us have been disappointed with his performance. Once again, I also extend my thanks to Jan Davis and Trevor Blowes for their support and advice on the various matters on which I have sought their advice over the past 13 months. To the Messengers of the Legislative Council—Mario, Todd and, most recently, Karen—I offer my thanks for their commitment in performing their duties in supporting every member in this chamber. I am sure all members in this place would agree that without their diligence and commitment this place would not run as smoothly as it does.

I also commend the clerks and other staff members, who are often unseen and unheard, including the catering staff, on their level of service and commitment. I also take this opportunity to place on the public record my gratitude to my staff Julie Davey, Matilda Bawden and our young trainee, Amelia Lloyd, who will be leaving us next week. She has found herself a good job in SA Water, which I think is a good outcome for such a young person. She will be missed. She is a most efficient young person.

I also express my gratitude to all the members in this place. Some have taught me patience, some have taught me to expand my views on certain issues, some have provided assistance, and some have given me a more heightened awareness of the political arena in general. To each and every member in this place I say thank you for the past 13 months. My colleague the Hon. Nick Xenophon should also get a mention. I have a message for him, and it is probably a little different from the first message I gave him when I found out that I was elected to this place. I do thank him for his vision in putting me on his ticket, because I do believe that I am in the right place at the right time and for the right reason, and I will pursue that role, always keeping in the back of my mind that if he had not approached me I would never have taken this step.

I also congratulate the Hon. David Ridgway, the Hon. Michelle Lensink, and also the Hon. Stephen Wade on their elevation in the Legislative Council. I hope they will work towards representing this council in a valued way. I am not trying to tell anyone how to do their job or what their rights are in this place but, from a personal point of view and from comments I have heard out in the general public, I pass on the message that people are sick of the sledging. They want to see a way forward. I think there are better ways in this place, although I probably do it myself on occasions. There has to be some coming together of policy at some stage.

It will be no surprise that I am going to speak yet again on drug policy, because that is what I do. On 26, 27 and 28 April I assisted an organisation called Drug Free Australia to host an international conference in Adelaide. It was a highly successful conference indeed, with international speakers from Belgium, the Netherlands, Sweden, America, Great Britain, and also with some highly regarded researchers and speakers from Australia. The success of the conference was indicated by the recommendations that were put forward from members of the public who attended the conference, and also the fact that, over that three-day period, I have been told a little more than 600 people passed through the doors. They came in to listen to certain sessions which interested them at the conference. It was a well-known fact that it was a conference by Drug Free Australia, and the name of that organisation does not leave anything to the imagination as to what it is hoping to achieve.

The information that came from that conference is something that every member in this place could and should make themselves aware of, because we all play a part in developing laws about drugs. Unless we have both sides of the argument and all the information, it is going to be an ongoing battle to have legislation which best serves the people of this state, which is fair-minded and which has the best interests of people who use drugs (and people who do not use drugs) at the forefront of our policy making. Another topic that was represented was medical marijuana, which is quite timely, given the fact that the Hon. Sandra Kanck has announced she will be introducing a bill in this place on that very topic. School drug testing was a topic presented by Mr Evans from the United States and also the gentlemen who implemented it in Great Britain.

More importantly, the Netherlands was represented at this conference. It was an excellent opportunity for members in this place to become aware that the Netherlands drug policy is not the success that some may claim it to be. Even in the Netherlands now they are starting to roll back their liberal policy. They have realised, in part, that they have not done their country or their people justice with those policies.

Interestingly, the gentleman who spoke was Mr Frans Koopmans, who is the director of treatment and rehabilitation in the Netherlands. He is employed by the government in that position and he oversees 230 staff in a treatment centre for problematic drug users. Just the number of staff alone would indicate the demand for that service. It is also interesting that it is a mandatory program. Even in the Netherlands now there is mandatory treatment for problematic drug users, with a minimum attendance time of two years. I remind members in this place that I introduced a mandatory treatment bill along those same lines in this place last year, and I promise I will be reintroducing it at the next session.

I asked Mr Koopmans a question about pill testing, given that in the last months of last year it was a raging topic with Dr Caldicott, who stated that we needed to keep our kids alive and keep them safe and the whole thing. It is interesting to note that pill testing in the Netherlands was abandoned four years ago. At-the-door rave testing of pills could not be supported. Guess what? The reason they abandoned it in the Netherlands was that it sent the wrong message to their youth about the safety of use of ecstasy (MDMA). Who would expect that the Netherlands would be so advanced as to recognise that the sending of a wrong message to their youth is an important matter?

We need to keep these things in mind when we are engaging in public debate. We are actually recycling policies that are now going to be wound back in the Netherlands. I was told that its cannabis policies are going to change dramatically over the next 18 months. We need to keep in mind that we cannot afford to be five or 10 years behind the Netherlands, because then we will be in grave trouble.

Mr Koopmans also addressed the increase in mental illness in that country, and it can be timed to within three to four years of the introduction of cannabis shops. There was a 75 per cent increase in mental illness in youth aged 17 to 24 in that country. We are experiencing that here in this country, as well. Really, we are comparing apples and apples. I am not pulling something out of thin air. This is all available on the public record for any member in this place to access and read for themselves.

Mr Koopmans was not here as an anti-drug campaigner. He was here to tell the story of the Netherlands from a treatment and rehabilitation perspective and what issues they needed to consider there in the development of their treatment programs. They may be very liberal in their drug policies, but they are also now having to be very creative in how they approach treatment because, once their clients get outside—and these are his words—into that environment again, they have very little chance of remaining clean or even gaining employment in that country, because that country has become addicted to the money that is raised from the cannabis industry—a little bit like our reliance on pokie revenue here.

Dr Kerstie Kall also presented on the research and methodology that is used. Kerstie Kall is not the writer of this research, but she was engaged to present it on behalf of the writer from Norway. The flawed methodology that has gone into justifying our needle and syringe programs, from the evidence that was presented, was not only staggering but it was also quite eye-opening. One of our greatest so-called gurus in this country, Dr Alex Wodak, has now been proven internationally to have flawed methodology in his research, and the need for our needle and syringe programs is based on nothing more than a myth.

Dr Joe Santamaria was there also and, some 10 years ago, I believe he did an analysis of needle and syringe programs.

His research back then showed that the methodology was flawed, yet we soldiered on and persisted with developing needle and syringe programs that way that we have. Nobody is suggesting that we should not have needle and syringe programs in Australia. I would never advocate that. What we need to think about is how they are being administered and whether it is actually in the public interest to have them administered in that way.

We can have places like Hutt Street—and I will bring it up again, even though I was challenged about that on FIVEaa. A gentleman from the Hutt Street Traders Association stated that I was a pathetic politician for bringing this to the attention of the South Australian public, and he demanded a public apology. He has yet to show me evidence that the statements made in *The Advertiser* were false. I promised that, when he could prove that, I would be more than happy to make a public apology, but it has not happened.

All I am asking is that we consider that maybe we have gone just a little bit too far in our drug policies, especially with our needle and syringe programs. There are better ways of doing it which have less social impact. It is not good for people to be tripping over discarded syringes if council workers have not picked them up before sunrise. It is not good enough that they are given out willy-nilly. You can go and buy party packs—and they call them party packs. Up to 100 syringes at a time can be purchased by one person. There is no exchange required any more. People believe that needle and syringe programs are exchange programs, and they are not. So, while we run around popping up containers to collect discarded syringes, and whatever else, we know that, when people are stoned and not acting with full judgment, nine times out of 10 they are not going to go looking for a bin to put their needles in.

A point about syringe containers made at the conference was that on cigarette packets we have those horrible photos of people's teeth rotting, people prematurely aged, feet rotting, so why not have those kind of descriptive and accurate photos on these syringe boxes in our toilets. My five-year-old went into a public toilet and saw one of those collection boxes and asked me, 'What is that for?' and I said, 'That's where people put their used syringes.' He said, 'What do they use syringes for? What is a syringe?' I said, 'Because they use drugs. They're sick and they use drugs.' 'So, why are they in our toilet?' Five-year-olds notice these things and five-year-olds are being desensitised to the fact that drug use is a serious health problem. It is also a serious law enforcement problem, and we need to work to achieve a balance.

The Swedish Commissioner of Police was at the conference as well. She stressed the absolute need for the inclusion of law enforcement in our drug policy as well as treatment, rehabilitation and prevention. With Sweden's record, we cannot ignore what they are doing and the results that they are achieving there. I notice that Dr David Caldicott has again made some outlandish statements on FIVEaa, saying that Sweden's policy is one to be avoided at all costs because of the high rates of hepatitis C and the high rates of harder drug use in Sweden. It is simply not the case. In Sweden in 2004, the number of newly reported cases of hepatitis C was 26 per million. In Australia that number is 66 per million. Hepatitis C is a life-threatening, long-term illness. We have to look at these results and think about what we can do a little differently.

I cannot get my head around our cannabis legislation. It is not only confusing but it seems to be that smoke and mirrors is the order of the day when we are legislating for cannabis. We have proof that the liberal cannabis legislation in the Netherlands has led it down a path basically of no return. As Justice Athol Moffat stated in his book, 'it is quarter to midnight'. We do not have that much more room to be fooling around with this before we take it seriously and start to pull back. Nobody wants to live in the Netherlands.

I speak to ethnic groups, and I spoke to one last night, and they are scared stiff. They have come to this country from war zones believing it to be a land of promise and that they would have a future here, only to find that they are losing their children to what they believe is our culture—to drugs. That is not Australian culture. Drug abuse, drug addiction and lawlessness is not what Australia or South Australia is about.

I will give an example of why this cannabis legislation is so mind boggling. As the Hon. Dennis Hood brought to our attention, we have a law that says that somebody can grow up to 10 plants and face a $500 fine in the courts, and that is, apparently, whether he appears before the court five, six or seven times in a year. The most he can be fined is $500 for 10 plants. A respected police officer in the Drug Squad told me that one plant will yield 50 000 joints. That is about 3½ years' supply of dope for a person at 40 cones a day. Scary, isn't it? Forty cones a day—

The Hon. R.P. Wortley interjecting:

The Hon. A.M. BRESSINGTON: Talk to the police officers. That is where I got my information from. If you are allowed to have 10 plants and the estimated street value is about $5 000 each, that is $50 000. The fine is $500 for each plant, which means a $45 000 profit. How are we deterring drug dealing in South Australia? The other matter of concern is a recent piece of legislation. The Legislative Review Committee has taken evidence and discussed the issue of security agents not being granted a licence if they have had a conviction within 10 years. I know that the intention of this bill was to clean up the security industry. There is no problem with that, but I believe this also involves a bit of smoke and mirrors.

Name me one offence related to drugs—especially cannabis—that does not incur an expiation fee? Carrying drugs up to, I think, 30 grams on your person is allowed. One plant with a street value of $5 000 incurs an expiation notice. These guys could be doing any of this stuff and it will not be enough to stop them from getting a licence. They may fail a drug test and lose their licence, but they can have these drugs on their person while they are performing their duty. Even the security industry is not in favour of this. The security industry wants zero tolerance to drugs.

I do not think I have misinterpreted this, but if someone can grow one plant and get only an expiation notice, we can assume that they could be dealing marijuana on the street—and 30 grams of marijuana on their person at work could well be part of that dealing process and it is not a chargeable offence. It just slips through the system. I believe that we have lost the mark with respect to that piece of legislation, and it will backfire as it does. I have mentioned before in this place that in 2000 our Commissioner of Police, Mal Hyde, said that the expiation system needed to be reviewed.

I have spoken to two senior police officers and they agree that the expiation system is a joke in terms of a fine that does not exceed even our highest speeding fine. The expiation system for growing cannabis undermines what they can do as far as law enforcement goes. The $310 expiation fine for growing a cannabis plant is about $120 less than our highest speeding fine. Like everyone else, I do not want to see drug-addicted people going to gaol. I do not want to see young

people who make a silly mistake when they are 16 and 17 years old end up with a criminal record, and I am sure that allowances can be made for that.

A young fellow at the age of 17 or 18 might be caught with a lot of cannabis for sale because he got pulled into the wrong crowd. He is charged and he does whatever he has to do (go to gaol, or whatever), but at the age of 29 he is leading a clean life and has done so for a long time. That was a youthful error, and nothing should stand in his way to move forward. I am sure that some discretionary mechanism could be built into it to allow him to become a security guard if he wanted to. We seem to go from one extreme to the other with this. I think we need to bring it in and think a little more carefully about it.

Considering this government's attitude towards tobacco (and rightly so) and the laws which have been enforced and which I support—even though I am a smoker, I am not an ideological smoker; I would never recruit young people into that habit and I would never encourage young people to begin smoking—I wonder what the reaction of this place would be if I was to introduce a piece of legislation saying that we smokers were allowed to grow one tobacco plant in our own backyard for personal use. The harm minimisation message behind that would be that we all know that tailor-made tobacco and cigarettes are full of preservatives and poisons which are far worse than the actual nicotine and tobacco themselves, so, therefore, to ensure the safety of smokers, we should be able to grow one plant in our backyard and harvest and smoke it.

There would be outrage, I am sure, with all the steps that this parliament has taken to get the message to our youth that tobacco smoking is not something that our children should take up. However, that is the anomaly: we have this attitude towards tobacco—and we know that it causes lung cancer, rots teeth, causes feet to fall off and all that terrible stuff—yet we support it. We support any move to reduce the uptake of that drug, yet we absolutely refuse as legislators in this place even to put cannabis on the same level as tobacco when the science shows that it is 10 times more carcinogenic than tobacco, whether it is smoked with or without tobacco. It can cause mental illness in people and it does underpin a lot of crime and family breakdown, yet we are still so lenient with this drug. We have to ask ourselves why.

I will not rave on forever, which I am sure members are very pleased to hear, but I will refer to the book entitled *Drug Precipice* written by Justice Athol Moffitt. If more members in this place read this book I think they would understand what is underpinning our drug policy and why, and they may take some steps to start to work towards a sensible drug policy. In referring to a conference held in Washington in the United States in 1992, Justice Moffitt says:

> At this conference, it was stated that the Australian 'drug foundation' regarded its most important target to be the media, on which it had 'focused 'quite strategically'.
>
> We have employed journalists not to churn out press releases, but to get in there as subversives and work with their colleagues in the mainstream press. . . So the thrust of the foundation is to move, within the media, the public perception, which we hope will move towards legislative changes in the areas we see desirable.
>
> The thrust of the publicity, the spokesperson claimed, is to change public perception of the dangers of using drugs, to achieve the legislative changes of the anti-prohibition lobbies. This Australian leader added: '. . . the harm caused by them [illicit drugs] is minuscule compared with licit drugs. So we are having a significant input there. I believe and I think that it is an exciting project.'

'An exciting project' to change public perception about the harm of drugs? Who could get excited about minimising the harm of these drugs? How could anyone in their right mind ever believe that that could be an exciting and worthwhile project or aim to achieve?

I leave this with members of the house to contemplate. We need to take steps to think about what we have done, what we are going to do and what we need to do in the future for the benefit of our children and our grandchildren. We have an international example to look to. Before I close, I remind members of this house of the World Drug Report of 2006 and its results: the rate of cannabis use in Sweden, 2.2 per cent; the Netherlands, 6.1 per cent; and Australia, 13.3 per cent. We are now double the Netherlands in our use of cannabis. That is not something of which we should be proud.

For ecstasy, in Sweden it is 0.4 per cent, in the Netherlands 1.5 per cent and in Australia, yet again, 4 per cent. We cannot be proud of these statistics, and underneath this it reflects the effectiveness of our drug policy, whether or not people like to admit it. We are not winning this. It is not a war against drugs. If there were such a thing as a war against drugs we would not be partly decriminalising dangerous drugs and getting a message out there to our kids that basically this drug is legal, because that is what they think. They also think they have the right to choose to use this drug.

As legislators of a drug policy we are failing miserably. Both major parties and the minor parties should be working together and, rather than making this a political football and seeing who can win brownie points and who can discredit whom the most, let us get our heads down and behinds up and work on an effective drug policy for this state and hopefully we can lead by example, as we have done so many times before in South Australia, and other states will follow. This cannot be the way it ends up or the way it continues to go, and the groundswell of parents is saying that very soon it will be a political issue and an election issue. You guys need to keep up with that, as I do. I hope that the remaining time of this session to 2010 sees some encouraging changes. I know that eventually common sense will rule and prevail—it must.

If my colleagues want the information from the papers presented at that drug conference, please tell me and I will provide them; they are there for everybody to read and peruse. It is my request that people take the time to think about the common sense of this. It is not zealous, it is not over the top, but it is common sense. I leave that for members to think about.

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

SUPPLY BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 121.)

The Hon. D.W. RIDGWAY (Leader of the Opposition): The Liberal party will support the Supply Bill, which provides a function to bridge the financial gap for the public sector between the end of the 2006-07 financial year and the assent of the 2007-08 budget—a gap which was quite significant last year. We know the budget was delayed for some time after last year's state election, which the opposition and I personally found quite astounding, because the government had every indication that it would win the

election and it would have been planning the budget and doing a range of budgetary work in the lead-up to the election. Yet, after the election the government said it was not organised or ready and had to delay the budget for some months. It was quite bizarre that that had to happen. This year the budget is again a few weeks late because of that lag, but I guess we will catch up in the next couple of years.

Other members have pointed out, and it is a pity, but not unexpected, that again we have had a reasonable amount of pressure put on us to pass this bill, and I am glad the government has given us the time. There was an indication prior to the proroguing of parliament that we may be expected to rush it through before then. I am glad that the government did not insist on that and we now have this week to finalise the debate. In the past five years the Labor government has enjoyed a cumulative revenue growth of some $9.8 billion. This is how much extra revenue the current government has had to play with since it came to power. One might ask what exactly there is to show for that $9.8 billion.

The Hon. R.D. Lawson interjecting:

The Hon. D.W. RIDGWAY: The Hon. Robert Lawson interjects that the Hon. Russell Wortley and the Hon. Bernard Finnigan are here, so I guess that they count for a portion of that $9.8 billion.

The PRESIDENT: Order! I remind the honourable member that he should keep his speech to the Supply Bill and ignore interjections.

The Hon. D.W. RIDGWAY: I thank you for your guidance, sir. I got a little sidetracked with the interjections from my colleague behind me. The $9.8 billion is how much extra revenue the government has had to play with since it came to power. In fact, it is an entire budget worth, if you like. The Liberal government had a modest $8.5 billion in revenue throughout far more testing financial times in government, and you have an increase of $9.8 billion over the five years so, if you like, the government has had the equivalent of six years' revenue in five years. That is why I ask what we have to show for it. I guess there are 8 000 more public servants today than were budgeted for, so I guess a large chunk of that money has been used in supplying wages to those public servants.

As any member holding an economics degree would be aware, this is the business cycle, and the economy eventually contracts and must recover as quickly as it prospers. It is fruitless to ride the tide of the current economy, but an art that the Labor government is quickly mastering. What this government should be doing is investing now while the state is strong. This is why we need a long-term infrastructure plan. Engineers Australia and the RAA asked for it in 2005, along with Business SA in its blueprint for SA's future. The South Australian Chamber of Mines and Energy is preparing its infrastructure study in the hope that the government will mould it into the next budget. This is a plan that the government should have been working on some years ago.

Now we are in the midst of an exploration boom, I can see what is going to happen. The exploration boom will transform itself into a mining boom and we will not have the capacity in infrastructure to back it up. Once again, this government in such a timely fashion has only just overturned its three mines policy, let alone consider constructing the infrastructure plan. One wonders how it intends to meet our State Strategic Plan target on minerals and exploration. This bill gives cause once again to remind the government of its near $700 million—in fact, I think it is slightly more than that—unfunded WorkCover liability, under the same minister who has stagnated on the issue for five years, in the absence of any consideration of legislative change to fix the problem.

The government has left itself with three options: first, to increase WorkCover levies and put the strain back on South Australian business, perhaps in the hope that, coupled with a landmark collection of $1 billion in payroll tax (this government being the first to ever achieve that milestone), the increase in WorkCover levies may go unnoticed; secondly, to make WorkCover payments and eligibility criteria to receive payments far more stringent, reasons why workers and employees would start looking interstate and desert South Australia; or, thirdly, to further stagnate on the issue of the unfunded liability in the hope that a Liberal government, when we return to office, will once again balance the books and repair the damage done by Labor.

Looking at the difference between the budgeted and actual figures for general government sector revenue throughout both Liberal and Labor governments, the Liberals underbudgeted this revenue throughout their previous term in government by some $558 million. Labor stomped all over this figure with a whopping $2.8 billion additional revenue over its current period of government. This poses a significant question as to this government's ability to quantitatively plan the resources of the state with a revenue collection each year that is highly underestimated. GST funding equates to approximately one-third of the state's total $11.4 billion budget, a matter that the Labor Party opposed vigorously before it was introduced. Overall, taxes are up some 43 per cent (or $949 million) compared to the Liberal government's final year.

Despite this huge amount of additional revenue collected, there is no financial relief in sight for South Australians. There is no stamp duty relief for first home buyers; there is no payroll tax relief, and it is growing even more, with a predicted $200 million by 2009-2010; there are no extra concessions for our older community; and over $1 billion has been collected in property taxes throughout 2006-07. As I said previously: it is another first for the South Australian government. In addition, the GST benefit to this government is steadily increasing to over $400 million per annum by 2009-10.

This is the highest taxing government in the state's history. It is so flush with cash that it seems to have forgotten the pressures that harder economic times can bring to this state. Where is the contingency plan for when the economy may not be so prosperous? This government (to name a few things) should be:

- implementing a 20 year infrastructure plan;
- attending to the $400 million road maintenance backlog, ahead of gratuitous transport projects;
- quickly figuring out how it will balance the books, with the WorkCover unfunded liability and a $6 billion unfunded superannuation liability (which is double what it was under the previous Liberal government);
- relieving South Australian businesses of the burden of such a huge payroll tax, allowing businesses to prosper rather than be restricted; and
- providing some tax relief to our first home buyers, who are very important in building our future economy.

We are witnessing an economy go to waste, in the light of the current financial opportunity. The privatisation of ETSA was an example of the Liberal Party's taking action on the state finances and debt reduction, by rejuvenating Treasury with some $5 billion in proceeds. The former Liberal government cleaned up an $11.6 billion debt that it was left with in 1993,

with an annual deficit of more than $300 million, to a more manageable $3 billion debt by 2001. The Liberals still managed to budget for some significant projects for our state. There is no excuse for the lack of action from this Labor government.

One might suggest that the current Labor government has been caught up in the typical consumer cycle: to spend up big, and more frivolously, while the money is there. Let us look at some of the government cost blow-outs and gratuitous projects—not forgetting that these come in the midst of the worst drought in our state's history:

- a $31 million extension of the tramline;
- an additional $100 million for the opening bridges at Port Adelaide;
- Stages 2 and 3 of the Queen Elizabeth Hospital—from $60 million to over $300 million;
- the $150 million cost blow-out in the Northern Expressway; and
- the costing of the possible temporary weir at Wellington went from an initial $20 million to somewhere in the vicinity of $100 million, and we are unsure whether the government has factored the eventual dismantling of the tonnes of rock into the cost—a project that need not have been planned if the government had properly planned for the water crisis.

As I highlighted on Tuesday, the Premier was well aware, from his own rhetoric at the Press Club in 2003, that the situation was likely become extremely perilous with respect to South Australia's water supply, yet it has done nothing about it.

The Public Service has become as swollen as the Labor cabinet, with an additional 8 000 extra public servants over the past four years (that is about $2 billion over the period). It is Labor's biggest investment but, needless to say, it is one that was not even budgeted for. While touching on the size of the Labor cabinet, it is noteworthy that funding for additional ministerial staff over the past four years has amounted to some $16 million. We read in *The Advertiser* recently that the Public Service Association is very concerned about the government's plan to save $60 million through shared services between departments. It said that it may be five years before any savings are made through that process, and that any savings will be largely due to staffing cuts. It is also predicted that there will be a public sector staffing crisis in 2011, when an expected 30 000 public servants are due to retire. Treasurer Foley, of course, has passed this warning off as the usual doom and gloom before the budget.

However, to give the government some credit, it cut back some $2 million of taxpayers' funds being spent on the 'raising of public awareness' after a favourable result at the last election, and couple that with the million that has been kept free, in part, for things such as the $36 000 that this government spent on the double page spread on the River Murray, advertising the government's drought relief campaign, and the other money that is still subject to some freedom of information applications on the advertising, script writing and other preparatory work for advertising that we are in the middle of a drought. Anyone could tell you that we were in the middle of a drought—it was dry and there was dust blowing everywhere—yet the Premier had to go on television with a whole range of television advertisements telling us that we were in the middle of a drought. Surely that money would have been better spent on some of the rural communities that are potentially facing ruin as a result of the fact that they are not likely to have an irrigation allocation next year. With those few words, I commend the bill to the chamber.

The Hon. R.D. LAWSON: I rise to support the passage of the Supply Bill, which will appropriate the sum of $2 billion from the Consolidated Account for the Public Service of this state for the year ending 30 June 2008, to be applied during the period until the Appropriation Bill is passed after the budget is introduced later this month. I certainly look forward to the debate on the Appropriation Bill and will not canvass a number of issues that will arise in the context of the forthcoming budget.

The Leader of the Opposition in this place just mentioned the fact that this government is enjoying rivers of gold and that it is by far the largest spending government, as well as the largest taxing government, in the history of this state as a result of the prosperity being enjoyed across Australia following the sound economic policies of the Howard-Costello government. The problem, of course, is that we in this state are not enjoying our fair share of that national prosperity in so many ways. I am certainly the last to talk down the prospects of South Australia, but I think that it ought be placed on the record that much of the boosting and self-congratulation of this government is entirely unjustified. Its policies have singularly failed to ensure that we maintain our position in Australia generally. In so many areas, we are falling behind.

I wish to address two specific areas in the Supply Bill that indicate failures on the part of this government. The government and the Premier, in particular, are keen to use law and order as one of those issues that he believes will attract electoral popularity. He talks a lot about it. The investment of his government in measures to have an effective justice system leaves a great deal to be desired. One only has to look at the report of the judges of the Supreme Court, tabled only at the end of March in this place, to read again what is becoming a familiar refrain from the Chief Justice of South Australia about the government's failure to invest in appropriate infrastructure for the court system and, in particular, the failure to invest appropriately in buildings and systems in the Supreme Court. In this report (which is, of course, joined by other judges of the court), the Chief Justice said:

> The unsatisfactory standard of facilities referred to in last year's report continues to impact on the ability of the court to provide a healthy, safe and efficient work environment for its staff, the legal profession and the judges. Facilities and amenities for the public, such as waiting rooms, witness rooms and public toilets, are well below contemporary standards. Overcrowding and cramped working conditions for staff present significant occupational health and safety concerns. Workers compensation claims arising from poorly configured workstations in two courtrooms create a considerable disruption to the work of the Masters during the year.

He refers to the extensive cracking and subsidence of part of the court buildings this year. He mentions that there has been significant expenditure in the past year on maintenance and repair work, much of it associated with the dilapidated state and condition of buildings and facilities. He mentions that the access for persons with disabilities are inadequate and that the court buildings do not meet disability access standards. He mentions also the important point that the personal security for judges and masters is a concern; the fact that the judges have to move between buildings using public thoroughfares and the like is unsatisfactory. The Chief Justice goes on to say:

> The court does not have the resources to provide the technology required to achieve the efficiencies that can be achieved with good

information technology. One criminal courtroom, shared with the District Court, is equipped for electronic trials, but the court does not have the funds to use it on a regular basis.

The catalogue of deficiencies in that particular facility goes on. It has been mentioned, as the Chief Justice said, on previous occasions, yet the government refuses to act. Indeed, when the matter was raised by a journalist and given some prominence the Premier was able to get a good headline by saying that he was not interested in giving the judges a Taj Mahal. So, a reasoned and rational request by the judges for better facilities, not merely for themselves but for the system, is met with populist abuse.

If one were cynical one might say, 'Well, if the courts were getting through the work why bother about investing in additional resources?' The Treasurer would like the public to believe that he is going to spend the money on police, teachers or nurses, when we know it is going to be spent on things like $55 million for a grandstand in the Parklands, $31 million for a tramway extension, $35 million for opening bridges across the Port River, etc. The fact is that the courts are not performing to the standard required, and the endemic delays in our criminal courts remains a matter for serious concern.

If one looks, for example, at the latest productivity commission report issued earlier this year on courts across the country—this is in the Report on Government Services—it shows, once again, that in the backlog indicator for criminal matters South Australia is trailing the nation. For example, in South Australia 31.5 per cent of cases were not dealt with within a year and, quite clearly, that is the highest outcome in the country, and that is in the year to 30 June 2006.

Even in the Magistrates Court where there are, of course, a substantially larger number of cases (in South Australia some 22 000) the pending case load over six months is 32.6 per cent—once again, the highest in Australia—and for cases pending for more than 12 months, at 15 per cent South Australia is in the very highest levels. For example, in New South Wales the figure is only 2.1 per cent; in Victoria it is 5.5 per cent; and in Western Australia it is 10.8 per cent. Admittedly, Queensland pips us at 15.5 per cent. These delays have been ongoing and they are longstanding.

I mentioned the fact that the government's response to the request for additional resources was to accuse the judges, quite wrongly, of seeking to establish a Taj Mahal for themselves. One other response of the government to the absence of a sufficient number of courtrooms to hear criminal trials was that the government ought to use the newly constructed Federal Court building at 1 Angas Street. The Attorney-General managed to get a few headlines for that and a few shots, but the Chief Justice clearly points out that that option is simply not open; it is not available. Once again, a reasonable approach from the courts is met with a political and a trivial response from the government—on this occasion from the Attorney-General.

The annual report of the Courts Administration Authority, which is the overarching administrative body for our courts—and the latest report was tabled in November 2006—makes the following statement from the Chief Justice, on this occasion as chair of the Courts Administration Council:

> For the third year in succession I report that the funds provided to the council were not sufficient to enable it to provide services and facilities of an appropriate standard to the courts and to the public. Much of our infrastructure is outdated or near to the end of its effective life. There is a risk of failure of infrastructure of a kind that would have serious effect on the authority's ability to operate. Had the council not been permitted to draw on funds provided to it in connection with the delayed road safety programs, the council would not have been able to operate within its appropriation. I acknowledge that the government permitted the council to draw on this money, but it remains unsatisfactory that the council was unable to persuade the government to approve an appropriation that would cover the cost pressures that have been identified to the government.

What is appalling about that is that here is an organisation at the core of government in this state which is being underfunded and, in order to meet its budget, it has to draw on funds that have been set aside for a road safety program. Here is the government prepared to compromise the safety of the community rather than address its responsibilities and ensure that the authority is appropriately funded.

We know where the government hopes to get funds for these programs. If one looks at the annual report of SAPOL for last year, it budgeted to increase the take from expiation notices from about $50 million in this current year to $86 million—a huge increase. The police acknowledge that over past years (and the figures show) there has been a relatively static take from expiation revenue, but SAPOL says that, due to more fixed road cameras and the like, they hope to get another $35 million from the South Australian public out of expiation revenue. The government is happy to rip out funds from the motorist, but it is not prepared to invest those funds in much needed resources for the courts.

The other aspect I mention is the government's approach to the correctional institutions. Once again, the government is big on rhetoric about increasing penalties and the like, and it is big on talk about doing things in the prison system. Of course, the latest refrain we hear is, 'Don't worry, we will build a massive prison at Mobilong and it will come on stream in 2012.'

The Hon. Carmel Zollo: In 2011.

The Hon. R.D. LAWSON: In 2011-12. The minister is saying 2011, but the budget papers say in the year 2011-12. What is the government's record on this? Let us look at the promises made in relation to prisons. In 2002 this government in its first year said that it was going to replace the Adelaide women's prison, which was said to be in an entirely unsatisfactory state and which, in fact, was damaged by a deliberately lit fire.

On several occasions the government announced that there would be a public-private partnership for a new women's prison. A business case was being developed and a number of announcements were made about it in annual correctional services reports as well as in estimates committees and budgets. For example, the 2003 budget said that the new prison would be operating in 2006-07 and that the payments were in the forward estimates—I think they were operating payments rather than for construction—and that in 2006-07 it would be spending $5.777 million. Nothing happened. The government got into a bit of a political problem when it announced that the site selected for a new women's prison was land at Northfield. Robyn Geraghty lobbied against that proposal, and the proposal to establish the women's prison there (as well as relocating the Magill Training Centre) was abandoned.

In the 2004 budget we saw that the money put into the forward estimates for operating a new women's prison had been taken out and shown as a saving. The program was abandoned because the government was unable to get a public-private partnership up. With the refreshing honesty for which he was renowned the then minister, the late Hon. Terry Roberts, told the estimates committee of June 2004, 'Unfortunately (and you will be able to give me a hiding). . . a

previous decision to construct a new women's prison [is] being deferred.' In the 2006 budget we once again heard a big announcement that there would be a new women's prison and a men's prison at Mobilong. However, as I said, it is expected that the new prison will be established after the next state election.

I believe that governments ought to be judged on what they do, not on what they say they are going to do. This government has been big on saying that it is improving our justice system, that it is improving law and order in this state, but it is simply not putting its money where its mouth is. It is true that the rates of certain classes of crime are coming down in South Australia, but they are coming down everywhere in Australia. The crime rate has been dropping over the past five years, not as a result of the policies of this government (which the Attorney-General himself admitted in a moment of weakness) but as a result of a growing prosperity and reducing unemployment in our community.

The distressing point is that, although the rate is coming down in every state in Australia and our national rate is coming down, the reduction in the rate of crime in South Australia is less than the national average. We are not doing as well as other states, yet the Premier would have the community believe that, as a result of his wonderful initiatives, he has a great deal to crow about. The fact is that he does not.

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

PSYCHOLOGICAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 2 May. Page 87.)

The Hon. J.M.A. LENSINK: I rise to indicate the Liberal Party's support for this bill, which, I understand, might actually be the final of the health professional bills which arise from the competition principles review. In this bill we have the standard provisions which apply in all of the other health professional bills and which were originally inserted into the Medical Practice Bill and the Nurses Act. They include a range of provisions, such as the regulation of students, ownership provisions, changes to the structure of the act, issues in monitoring the practice of psychology, issues of disciplinary actions that would be undertaken by the board, offences, holding out of a person as a certain type of practitioner, and so forth. I do not propose to go into those where they mirror the provisions in other acts.

Each of the professions, of course, has unique aspects to its practice, and that means that we cannot take a complete, one-size-fits-all approach to these bills. One unique aspect of psychology practice which I will talk a bit about is the regulation of students. Psychology is a discipline where a number of students, particularly art students, I understand, undertake some of the core subjects as part of their undergraduate degree. In that sense, it is quite different from most other professional qualifications, because there is a much broader interest among students in undertaking those core subjects than there is, for example, in the area which I studied: physiotherapy. There are not too many people who would delight in going down to the dissection room, as we did, for anatomy, unless they were really intent on gaining some qualification for which that was required.

In that instance, there has been some caution in relation to a blanket registration of all psychology students. Indeed, many people would say that you need five years to complete your undergraduate psychology or arts degree before you even move on to the clinical practice and come into contact with patients or clients, or whichever terminology you like to use. That has been one area of concern that has been raised. There have also been other areas, in particular, hypnosis, where it has been a bit of a minefield to work out who is on which side of the debate.

I place on the record my thanks to one practitioner and a number of others who have sent me a great deal of information in relation to their views about the regulation of hypnosis as a practice. I think the debate has moved on. Initially, several people said that the practice of hypnosis should not be taken out of the Psychological Practice Act because hypnosis needs to be regulated, and I think that is now accepted.

The government has stated that it is looking at a code of practice and will be bringing something back to the parliament. In its current form this bill is taking the regulation of hypnosis out of the act and, therefore, once it has been passed that practice will be completely unregulated, and I would like to know quite specifically how far away the government is from instituting a replacement form of regulation and whether the government believes it will do it by the instrument of an act or whether it will do it by the instrument of a code of conduct. If the answer is that, in the fullness of time, another piece of legislation will be brought back into the parliament, that will not be a satisfactory answer, because I strongly agree that the practice of hypnosis should be under some form of regulation.

I offer to other members a copy of a DVD entitled 'Entranced Hypnosis, Health and Healing' that was sent to me by the Australian Society of Hypnosis (SA Branch). It has some quite amazing instances of people being operated on without anaesthesia. Quite clearly, there has been a significant alteration of the person's mental state. Dr Graham Wicks is the practitioner I spoke to in relation to this. There was an article in *The Advertiser* in which he highlighted that he was concerned about the practice of hypnosis potentially being unregulated. The view of the Australian Society of Hypnosis (SA Branch) is that hypnosis ought to be practised only by someone who has a tertiary health professional qualification, which will enable those professionals not only to be under the regulation that will be brought back to this parliament but also they will be under the practice of their particular board and will fall under the regime of some form of recognised peer review.

I should explain, too, that under the current act the practice of hypnosis is limited to psychologists, medical practitioners, dentists or someone who is a prescribed person, a 'prescribed person' being someone who has been approved by the Psychology Board to practise hypnosis. I have had representation from other health professionals who would rather that it not be limited to that particular range of professions (for instance, an occupational therapist). I point out that that will not be the case when this bill has passed; that will cease to be an issue. I do feel that approval for someone to declare themselves a hypnotherapist or someone who is able to practise hypnosis ought to be through recognised courses—rather than, to say it glibly, weekend courses and so forth, because of the potential danger to patients. Patients are not necessarily able to check the qualifications of the practitioners, or do not know where to go. This issue has arisen in

relation to the Medical Board. So, I think that, because of the level of vulnerability, we need to make sure that there is some government regulation of that.

As to the issue of psychological testing, the Liberal Party feels that there ought to be regulation of who can conduct psychological testing and that it is best left with professionals because this is something that is used quite extensively in the job market, and it is going to become increasingly used in the job market. A lot of recruitment agencies find that job references are unreliable and, therefore, they undertake psychological tests in order to be able to verify whether somebody has the experience and particular attributes that they say they have.

As we know, if referees are a personal friend of the person seeking the reference, they might make up all sorts of things that are not actually correct. Recruitment agencies, in order to cover their own risk management, need to be able to find a source independent of what the applicant says and what the applicant's referees might say. I think that is perfectly legitimate. However, psychological tests can produce false negatives and false positives and so forth; indeed, I know of a case of this. Somebody spoke to me about having had some sort of psychometric test. This individual has a PhD in physics and has sought to move into the realm of finance.

The way he described the test to me was that it was an either/or test and, in his view, quite poorly constructed because there were choices, such as, 'If you have to choose between (and you can choose only one) working with people or working with numbers, which would it be?' Obviously, being a physicist, he likes working with numbers, but he did not have any sort of scale in which he could say that he would like both; instead, it was one or the other. The test result said that he was antisocial and not suited to working with people or in teams. This individual I spoke to struck me as anything but, and other people who could vouch for him also said that it was inaccurate. That is just one example that highlights that, when tests are in the wrong hands, they could be dangerous, just as the practice of hypnosis in the wrong hands can be quite dangerous.

I foreshadow that I will move some amendments that are consistent with our health spokesperson in the other place, the member for Bragg. I put those remarks on the record to highlight some of the issues in which I believe this particular health practitioner bill differs from those that this parliament has passed in recent years. With those remarks, I support the second reading.

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

NATURAL RESOURCES MANAGEMENT (WATER RESOURCES AND OTHER MATTERS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to amend the Natural Resources Management Act 2004 and to make related amendments to the Ground Water (Qualco-Sunlands) Control Act 2000. Read a first time.

The Hon. G.E. GAGO: I move:

That this bill be now read a second time.

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

Leave granted.

South Australia has long been at the forefront of water management and this Bill continues this tradition. This Bill stems from debate that commenced more than a decade previously. The 1994 Council of Australian Governments water reform framework and subsequent initiatives recognised that better management of Australia's water resources is a national issue. This ultimately led to the development of the Intergovernmental Agreement on a National Water Initiative (NWI), which identified that the improved management of water resources can be facilitated by separating water ownership and the associated regulatory approvals that govern use. South Australia is a signatory to the NWI.

Water property rights may be comprised of several individual components and the term 'separating' is used to describe the unbundling of these components into clearly specified, stand-alone rights or instruments. Separating the different elements of water licences will provide greater flexibility to water users by providing access to a broader range of tradeable components. Greater clarity will also be provided to buyers, sellers and other interested parties. In turn this will lead to lower transaction costs and more efficient resource allocation.

Interstate Water Trading

A key driver for this Bill is the advent of interstate water trade across the southern Murray-Darling system. A pilot tagged trading scheme is already in operation, and will be replaced by a permanent scheme from 1 July 2007.

The trading system must be underpinned by compatible legislative arrangements in each State. A key component is that the legislation must allow for the use of water purchased from interstate without owning a licence in the State of destination. While Victorian and New South Wales legislation allow this, the South Australian legislation does not. A person must hold a South Australian water licence to be able to take and use water in the State. This Bill will address this issue.

The Separated Water Rights Scheme

This Bill proposes a new entitlement system that would separate water rights into five components, specifically:

(a) a water access entitlement, endorsed on a water licence;
(b) a water allocation;
(c) a water resource works approval;
(d) a site use approval; and
(e) a delivery capacity entitlement.

The characteristics of the proposed components are as follows.

Water Access Entitlement

Under the new scheme the water licence will provide the water access entitlement to the holder of the licence. The water access entitlement represents the ongoing interest in a specified share of a consumptive pool of water. As with the current water licence, the water access entitlement will be separate from the land title. Water access entitlement holders will be able to mortgage, permanently trade, give, bequeath or lease their entitlement. Permanently trading the water access entitlement would represent a permanent transfer of the right to that share of the water resource, as well as the water that is allocated to that entitlement in future years. Water access entitlements will be recorded in a publicly accessible register of entitlements. South Australia's register of existing licences, the Water Information and Licensing Management Application (or WILMA), will be upgraded to cater for the new system. The upgrade will also be designed to make WILMA compatible with the water access entitlement registry systems in other states and territories.

The Act will also establish the concept of a **consumptive pool**. This is the proportion of the water resource that is available for consumptive use. The water allocation that is assigned from the consumptive pool will be based on the share or proportion of water access entitlement expressed on the licence. The consumptive pool will be defined according to rules established in the relevant water allocation plan. The Bill provides for annual announcements of the amount of water available from the consumptive pool for allocation.

Water Allocation

The water allocation will be a right to take a specific volume of water for a given period of time, but will not extend beyond 12 months. An allocation may be granted by the Minister under the terms of a water licence, or under the terms of an Interstate Water Entitlements Transfer Scheme (IWETS). This is similar to the water allocation under the existing system. However, there will no longer be two types of water allocation ('holding' and 'taking'), or a need to convert from one type to another. Instead, the water allocation may only be used if a person holds a current site use approval, water resource works approval and, where applicable, a delivery capacity

entitlement. The water allocation will be personal property and will be tradeable, subject to any restrictions in the relevant water allocation plan.

Water Resource Works Approval

The water resource works approval will enable the taking of water at a particular site and in a particular manner. The water resource works approval will be location-specific and will not be tradeable separately from land to which it relates. The approval represents the right to construct works to take water and/or the conditions under which the works must be operated and maintained. For example, the works approval could specify the size and location of a pump, the frequency with which it may be used, or the construction and ongoing operation of a well or a dam. Some aspects of the current water affecting activity permit could form part of the works approval. It will not be necessary to hold both a works approval and a water affecting activity permit for the same works – it will only be necessary to hold one or the other.

Site Use Approval

The site use approval will enable the use of water at a particular site and for a particular purpose. A person may only use water at a particular site if he or she has a current site use approval. However, a person will not need to hold a water access entitlement or water allocation to obtain a site use approval. The site use approval will be specific to the land where the water is being used and therefore will not be traded separately from land.

Existing water licences endorsed with a 'taking' allocation typically have conditions attached that define how the water may be taken and used, and the parcel or parcels of land to which it may be applied. The conditions are designed to manage the impacts of water use on other users and the environment. These conditions will now be indicated on the site use approval or water resource works approval and will be consistent with the relevant water allocation plan.

Delivery Capacity Entitlement

The delivery capacity entitlement will represent the holder's ongoing right to access a proportion of the capacity of a water distribution system, whether this is a natural system or built infrastructure. It may be used to prioritise access to capacity of a water distribution system when the total demand for water delivery at a certain point in time exceeds that system's delivery capacity. A holder of a delivery capacity entitlement will be able to forgo the right to extract water at a time of peak demand, and trade that right to someone who has an urgent requirement for water. The delivery capacity entitlement is to be specific to the point of extraction, rather than to the water access entitlement. It will be personal property and will be a tradeable entitlement.

Not all water systems will require delivery capacity entitlements to effectively manage capacity constraints. Consequently, the Bill allows for the establishment of this entitlement to be identified through the water allocation planning process.

Furthermore, the Bill does not allow this entitlement to apply within private irrigation infrastructure. Capacity constraints within systems will continue to be managed through private contractual arrangements.

Water Allocation Plans

The Bill recognises the high degree of degree of diversity inherent in water systems in the State. This entitlements approach must be sufficiently flexible to meet the management needs of water systems as diverse as the River Murray, Great Artesian Basin, and the Clare Valley surface water system. Each of these systems, and the multitude of others, carry with them their own unique issues and challenges. Consequently the implementation of the system is strongly linked to the water allocation plans relating to each resource. The water allocation plans will establish the nature of the water access entitlement, the rules around how consumptive pools are determined, the conditions on taking and use, whether there is a need for a delivery capacity entitlement, and any rules around transfer of entitlements.

This approach not only ensures that the application of system meets the management requirements of the resource, it also allows for significant community input through the consultation processes of the plan.

Levy Provisions

There are consequential amendments to the levy provisions. Under the new arrangements levy debt can be counted as personal debt, rather than merely a charge on the land. The current power in the existing legislation is that levy debt can be a first charge on the sale of the land. This power is being expanded by the Bill because under the new arrangements it is possible to own entitlements, and therefore be liable for a levy, in situations where no land is involved. In such circumstances, it would be impossible to collect unpaid levy. Consequently, the existing powers for levy collection have been expanded to define levy debt as personal debt. In this way unpaid levy can be recovered through normal civil recovery processes rather than enforcing the unpaid levy against land.

Currently the water levy can be raised against the quantity of water endorsed on the licence, the quantity of water used, the area of land it where it is applied, or the effect on the environment. Under the separated arrangements these powers have been brought across to the new entitlements. Flexibility in determining the levy has been increased by allowing for either a fixed charge over the relevant entitlement or approval, or a scalable charge based on what the entitlement or approval grants. It should be noted that these amendments do not increase the size of the levy. The levy is still determined through the normal planning processes. It merely provides additional flexibility for regional NRM boards to manage how the levy is raised.

Water Registry System

Currently, water licences are recorded in WILMA. However, under the Bill new systems and processes need to be developed to provide a secure and reliable record of water entitlements to the public, and provide better market and resource information for both intrastate and interstate trade.

The Water Register will be the conclusive record of ownership, description and extent of water entitlement.

Minor Amendments

The Bill also include a series of minor administrative amendments to correct spelling mistakes and incorrect references, delete a reference to committee that has ceased to function, recognise Intergovernmental Agreements under two other Acts, combine financial reporting into a combined financial statement, and ensure that properties are not divided by a boundary for levy collection purposes.

Transitional provisions

The current licensing approach will continue until water allocation plans have been amended to take into account the new arrangements. The Government will set a timetable for the amendment of these plans, and converting water rights into the new entitlements and approvals. It is not intended that the transition to the new scheme will significantly alter current licence holders entitlements. For example, there will not be a reduction in the amount of water to which a licence holder is entitled under the terms of their existing licence. As far as is reasonably practicable, the existing conditions applying to a water licence will continue under an appropriate water management authorisation without amendment.

The Bill establishes a two-stage process for the separation of water rights. Stage 1 makes minor amendments to the legislation to facilitate the State's participation in interstate water entitlements trading by 1 July 2007.

These amendments create the facility to allow the taking of water in South Australia through an approval issued by the Minister, without the need to hold a water licence. This mechanism allows the issuing of an approval to impose conditions on extraction and site use, to manage the impacts of water obtained on account of an interstate entitlement. The existing licencing arrangements associated with taking and holding allocations are retained during these processes. The other minor amendments within the Bill will also come into force at this time.

Stage 2 is the establishment of the separated water rights regime. The Act will be amended to replace the existing taking and holding allocations with the new separated rights framework, and associated registry, levy and planning provisions. The commencement of this stage is delayed to come into effect until the registry system has been developed and water allocation plans amended. These processes are expected to take some time to complete. The successful passage of the Bill will create regulatory certainty, so that these processes can proceed with a complete understanding of the legal framework that will apply.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Natural Resources Management Act 2004* to facilitate interstate trade in water entitlements

4—Variation of section 100—Interpretation

5—Variation of section 101—Declaration of levies

6—Variation of section 104—Liability for levy

7—Substitution of section 107

These amendments will facilitate the application of the levy provisions of the Act to allocations of water under the terms of an Interstate Water Entitlements Transfer Scheme (as the Act will now allow for such allocations without attachment to a South Australian licence).

8—Amendment of section 112—Recovery rights with respect to unpaid levy

This clause will allow any unpaid water levy to be recovered as a debt under the Act. Currently, the Act provides for the recovery of a levy through the imposition of a charge on land. This scheme may be less effective in some cases where allocations are not attached to licences. An ability to proceed directly to debt recovery will avoid a more complicated process.

9—Amendment of section 115—Declaration of penalty in relation to the unauthorised or unlawful taking or use of water

These amendments are primarily concerned with allowing the imposition of a penalty on the holder of a right to an allocation of water under the terms of an Interstate Water Entitlements Transfer Scheme who takes water in excess of the relevant water allocation.

10—Amendment of section 127—Water affecting activities

These amendments will reflect the fact that water may now be taken under an allocation of water under the terms of an Interstate Water Entitlements Transfer Scheme.

11—Insertion of section 146A

New section 146A will provide for the creation of a new form of entitlement, an IWETS authority, to facilitate the interstate trading of water allocations into South Australia.

Part 3—Amendment of *Natural Resources Management Act 2004* to address administrative matters and revise water entitlements

12—Amendment of section 3—Interpretation

These definitions are primarily associated with reflecting changes that must be introduced under the Act to allow the separating or "unbundling" of various aspects of the authorisation and control of water entitlements.

13—Amendment of section 5—Territorial and extra-territorial operation of Act

It will need to be made clear that the Act may operate extraterritorially to give effect to an intergovernmental agreement.

14—Amendment of section 38—Annual reports

This amendment will facilitate the combined reporting of the financial affairs of regional NRM boards and NRM groups.

15—Amendment of section 53—General powers

This amendment corrects a clerical error.

16—Substitution of section 56

The relevant regional NRM board or boards for an NRM group will assume responsibility for the accounts of the NRM group. It will now be possible to incorporate the accounts and financial information of a group with those of a board, and to conduct a combined audit.

17—Amendment of section 57—Annual reports

This is a consequential amendment.

18—Amendment of section 76—Preparation of water allocation plans

These amendments are associated with a revision of the water entitlements and authorities under the Act. A water allocation plan will now be required to include a provision to identify, or to provide a mechanism to determine, the water that will from time to time be taken to constitute a relevant water resource (the **consumptive pool**). The plan will also set out the relevant method that will be used to determine the basis upon which a water access entitlement under a licence will be determined.

19—Amendment of section 80—Submission of plan to Minister

This amendment is consistent with the situation under which funds for the implementation of an NRM plan of a board are raised under the relevant regional NRM plan under Chapter 4 Part 2 Division 1.

20—Amendment of section 81—Review and amendment of plans

These amendments streamline the operation of section 81 so that relevant periods under subsection (7) may be specified in a relevant notice.

21—Amendment of section 89—Amendment of plans without formal procedures

It is proposed that a plan may be amended under section 89(2) of the Act in order to achieve greater consistency with the provisions of the Border Groundwater Agreement, the Lake Eyre Basin Intergovernmental Agreement, or other relevant intergovernmental agreements.

22—Amendment of section 92—Contributions by constituent councils

These amendments will provide specific support to a scheme established under the regulations in association with the determination and operation of a regional NRM levy to determine the status of land where the land is divided by the boundaries of 2 or more regional NRM boards or by the boundaries of 2 or more councils.

23—Amendment of section 100—Interpretation

24—Amendment of section 101—Declaration of levies

25—Repeal of section 102

26—Amendment of section 103—Special purpose water levy

27—Amendment of section 104—Liability for levy

28—Amendment of section 106—Determination of quantity of water taken

29—Substitution of section 107

30—Substitution of section 112

31—Amendment of section 114—Refund of levies

32—Amendment of section 115—Declaration of penalty in relation to unauthorised or unlawful taking of water

These amendments are all consequential on the proposal to provide for new forms of entitlements and authorities under Chapter 7 of the Act.

33—Amendment of section 124—Right to take water subject to certain requirements

These amendments reflect the fact that a water allocation will now exist in its own right.

34—Amendment of section 126—Determination of relevant authority

35—Amendment of section 127—Water affecting activities

36—Amendment of section 129—Activities not requiring a permit

37—Amendment of section 130—Notice to rectify unauthorised activity

These amendments are all consequential on the proposal to provide for new forms of entitlements and authorities under Chapter 7 of the Act.

38—Repeal of section 140

The provision for the constitution of the Water Well Drilling Committee is no longer required.

39—Substitution of Chapter 7 Part 3

It is proposed to replace Chapter 7 Part 3 of the Act with a new scheme that will provide for new forms of entitlements and authorities in relation to the management of water.

New section 146 will retain the concept of a water licence, and subsection (2) will set out the nature of the entitlement under the licence (which will relate to the relevant consumptive pool or pools defined by the relevant water allocation plan).

New section 147 sets out the procedures for applying for a water licence and the grounds on which the Minister may refuse to grant a licence.

New section 148 sets out the requirements as to a water licence. A water licence will take effect when registered on The Water Register.

New section 149 sets out a scheme for the variation of a water licence.

New section 150 sets out a scheme for the transfer of a water licence, or of a water access entitlement, or part of a water access entitlement, under a licence.

New section 151 confirms that a water licence may be surrendered, subject to obtaining the consent of any person who may have an interest registered against the licence.

New sections 152, 153 and 154 will allow a water allocation to exist as a separate interest under the Act. A water allocation will arise by virtue of a water access entitlement under a water licence or an Interstate Water Entitlements Transfer Scheme.

New section 155 (Reduction of water allocations) is based on section 156 of the Act as it currently stands.

New section 156 will allow for the variation of water allocations (see section 147 of the Act as it currently stands).

New section 157 will facilitate the transfer of water allocations.

New section 158 will recognise that a water allocation may be surrendered.

New section 159 will relate to the requirement to hold a **water resource works approval** if a person proposes to construct, maintain or operate any works for the purposes of taking water from a prescribed water resource.

New section 160 sets out the requirements for a water resource works approval.

New section 161 provides for the variation of a water resource works approval.

New section 162 will require consultation on an application for a water resource works approval, or for the variation of such an approval, in cases specified by the relevant water allocation plan.

New section 163 will allow for the cancellation of a water resource works approval if the relevant works are not, over a period prescribed by the regulations, constructed or substantially completed, or used, or used to a significant degree.

New section 164 confirms that a water resource works approval attaches to the site to which the approval relates.

New section 164A will relate to the requirement to hold a **site use approval** with respect to the use of water taken from a prescribed water resource.

New section 164B sets out associated requirements for issuing site use approvals.

New section 164C provides for the variation of a site use approval.

New section 164D will require consultation on an application for a site use approval, or for the variation of such an approval, in cases specified by the relevant water allocation plan.

New section 164E will allow for the cancellation of a site use approval in prescribed circumstances.

New section 164F confirms that a site use approval attaches to the site to which the approval relates.

New section 164G will relate to the requirement to hold a **delivery capacity entitlement** if a water allocation plan so requires.

New section 164H sets out associated requirements for issuing delivery capacity entitlements.

New section 164I provides that a delivery capacity entitlement may be applied to any aspect of the taking of water at a point of extraction, but cannot be directly applied to any part of an irrigation system that distributes water after extraction.

New section 164J provides for the variation of a delivery capacity entitlement.

New section 164K sets out a scheme for the transfer of a delivery capacity entitlement.

New section 164L confirms that a delivery capacity entitlement may be surrendered.

New section 164M facilitates the recognition of intergovernmental agreements associated with water entitlements under the Act.

New section 164N is comparable to existing section 155 of the Act.

New section 164O is comparable to existing section 164 of the Act.

New section 164P is comparable to existing section 162 of the Act.

New section 164Q is comparable to existing section 163 of the Act.

New section 164R provides that decisions on certain applications or variations associated with water management authorisations will be subject to the law, and the provisions of the regional NRM plan, in force at the time that the decision is made (including, if relevant, at the time that a decision is made on an appeal). An exception to this principle will be that there has been a delay in a determination by the Minister exceeding 6 months (after taking into account any delays while the Minister has been waiting for further information or an assessment).

40—Amendment of section 167—Allocation of reserved water

41—Amendment of section 173—Water recovery and other rights subject to board's functions and powers

These are consequential amendments.

42—Amendment of section 174—Preliminary

This amendment will ensure that there is no doubt under Chapter 8 that the assignment of a particular class of animal or plant to different categories depending on the relevant locality in the State cannot be varied or revoked.

43—Amendment of section 178—Sale of contaminated items

The reference to "animal" in the penalty provision under section 178(1) is superfluous. An incorrect cross-reference is also being addressed.

44—Amendment of section 179—Offence to release animals or plants

Subsections (1) and (2) of section 179 provide offences to release declared animals or plants. Subsection (3) provides a defence, but that defence is expressed to apply only to subsection (1). It should also apply to subsection (2).

45—Amendment of section 202—Right of appeal

Various consequential amendments need to be made to section 202 of the Act.

In addition, section 202(3)(a) provides that an appeal against an *order*, or the variation of an order, under Chapter 9 must be made within 21 days after the order is *issued* or the variation is *made*. The provision should also refer to reparation authorisations. Furthermore, it is proposed that the 21 day period run from the time that the relevant instrument or notice is *served*.

46—Amendment of section 211—Compensation

These are consequential amendments.

47—Amendment of section 226—NRM Register

It is proposed to create a special part of the NRM Register to deal with water licences, water access entitlements and water allocations (to be called *The Water Register*). Schedule 3A will set out specific provisions with respect to The Water Register.

48—Insertion of Schedule 3A

This schedule sets out a scheme for the registration of water licences, water access entitlements and water allocations. A new scheme is to be introduced for the lodging of applications for the registration of the transfer of a relevant entitlement (clause 7).

Clauses 8 to 13 will make provision for the registration and enforcement of security interests over water licences and water access entitlements.

49—Amendment of Schedule 4—Repeals and transitional provisions

Related amendments are to be made to Schedule 4 of the Act.

Schedule 1—Related amendments and transitional provisions

Consequential amendments must be made to the *Ground Water (Qualco-Sunlands) Control Act 2000*. A scheme is to be put in place for dealing with transitional arrangements associated with new licensing arrangements.

The Hon. J.M.A. LENSINK secured the adjournment of the debate.

ADJOURNMENT

At 6.04 p.m. the council adjourned until Tuesday 29 May at 2.15 p.m.