HOUSE OF ASSEMBLY

Tuesday 3 April 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the bill.

RADIOACTIVE WASTE

A petition signed by 107 residents of South Australia, requesting that the House prohibit the establishment of a national intermediate or high level radioactive waste storage facility in South Australia, was presented by the Hon. M.D. Rann.

Petition received.

NATIVE BIRDS

A petition signed by 60 residents of South Australia, requesting that the House urge the government to repeal the proclamation permitting the unlimited destruction by commercial horticulturalists of protected native birds, was presented by Mr Hanna.

Petition received.

EQUAL OPPORTUNITY ACT

A petition signed by 964 residents of South Australia, requesting that the House amend the Equal Opportunity Act to include mental illness as grounds for discrimination, was presented by Ms Key.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 12, 14, 44, 55, 56, 58 and 72.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

Alice Springs to Darwin Railway Act—Regulations—
Access Provisions

By the Minister for Human Services (Hon. Dean Brown)—

Development Act—Regulations—System Improvement Program

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Public Corporations Act—Regulations—
Corporation Dissolution
Dissolution of RESI
Transfer of Assets Masters Games

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

Board of the Botanic Gardens and State Herbarium—
Report, 1999-2000.

HARRIS SCARFE

The Hon. J.W. OLSEN (Premier): I seek leave to make a statement.

Leave granted.

The Hon. J.W. OLSEN: As the House would be aware, management of Harris Scarfe retail chain has advised the Australian Stock Exchange that it needs more time before it can make an announcement about its future. I have met with the Chairman of Harris Scarfe and have had officers at the most senior levels, including my Chief Executive Officer of the Department of Premier and Cabinet, working with Harris Scarfe and its bankers over the last few days. The highest priority of course is to protect the jobs of the 1 500 strong work force in our state. That Harris Scarfe is a South Australian icon goes without saying, but we must not let emotion get in the way of determining the best course of action taken to protect jobs.

The government needs further information to be able to better understand the underlying issues facing Harris Scarfe's management. At this stage the government has not given any indication to Harris Scarfe management or its bankers as to what form of assistance, if any at all, we may be in a position to offer. All I have indicated to management is that we will use our best endeavours to assist Harris Scarfe to trade through this period, retain jobs in the state and ultimately retain a presence in this state. I also want an outcome whereby small and medium businesses in this state who are creditors achieve payment. However, until we are fully conversant with the issues facing the retail chain, I am not in a position to comment further. As soon as more information comes to hand and the government is in a better position to determine the best course of action to take, I will inform the House.

DRY ZONE, CITY

The Hon. J.W. OLSEN (Premier): I seek leave to make a further statement.

Leave granted.

The Hon. J.W. OLSEN: The Adelaide City Council last night made a significant decision for our city; a decision fully supported and endorsed by the state government. It is a decision which will now allow the community to move forward in a responsible way to deal with problems that have plagued not only Victoria Square but also our city streets and other squares for far too long. By declaring a trial dry zone we now have the opportunity to move forward towards a resolution. I accept that a dry zone itself may not provide all the answers, but it is I believe a significant step forward. That is why the government has been such a strong and vocal supporter of a dry zone trial. I hasten to add that this support has been long standing.

In the past the government has made funding available for support services only to have planning approval rejected by previous councils. The government was not and I was not prepared to let this latest opportunity slip by. In the past five years there have been three specific projects offered by the government for homeless and disadvantaged people, which have been declined by the Adelaide City Council. In 1995-96 there was an offer of more than $500 000 for a sobering up or stabilisation centre. In 1999, $850 000 was offered to

establish the Logan Street rooming house and last year the government offered in the order of $3 million to assist in relocating the St Vincent De Paul night shelter.

Yesterday the government again demonstrated its commitment, allocating up to $500 000 towards the establishment of a city sobering up centre to allow the trial of a CBD-wide dry zone to go ahead. The funding is in addition to the more than $5.1 million the government already allocates annually towards social support services within the near city. Services which receive funding include night shelters, health services, meals and counselling. The government also funds the Aboriginal sobriety group to operate a mobile assistance patrol, which picks up people affected by alcohol or substance abuse and transports them home.

The latest decision to offer government funding follows more than five months of negotiation with the council and major stakeholders across the city, and I commend the Minister for Human Services and his departmental officers who have been negotiating with the Adelaide City Council during this period of time. Over the next month the government now proposes to hold a series of discussions with the council and all stakeholders involved on how the trial should proceed and sources of future funding. This will also include further discussions on the issue of homelessness and other social impacts of a dry zone trial.

There is no doubt that the majority of South Australians want the trial to go ahead. While I recognise that it is an emotive and difficult issue, for too long we have seen the pros and cons of a dry zone argued without action. To that end, the council should be congratulated for making a decision for the future of our city. We have made clear that the government has always been prepared to work with the council. It is now the responsibility of the council to move ahead with a 12 month trial zone and effect the appropriate planning approvals.

Members interjecting:

The SPEAKER: Order, the members for Colton and Hart!

The Hon. J.W. OLSEN: The council can do so with the knowledge that it has the strong support and the partnership of the South Australian government and the majority of South Australians.

ECONOMIC AND FINANCE COMMITTEE

The Hon. G.M. GUNN (Stuart): I bring up the 33rd report of the committee, being a special report on the Le Mans car race, and move:

That it be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be published.

Motion carried.

QUESTION TIME

HOSPITALS, FUNDING

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier guarantee that boards of public hospitals in South Australia will be provided with the cash they require to run our hospitals until the end of the financial year, or will public hospitals be forced to take out bank loans to pay staff and maintain services?

Mr Scalzi interjecting:

The Hon. M.D. RANN: Obviously, Mr Scalzi does not care about the state of the hospitals. The opposition understands that hospital finance officers have recently been told by the Department of Human Services that they would have to arrange bank overdrafts at the local level to meet budget overruns because no additional cash would be made available by Treasury. The opposition has been told that hospital boards have refused to endorse this plan and that the board of one major hospital has decided not to cooperate with this loan strategy.

The Hon. DEAN BROWN (Minister for Human Services): I am not aware of the detail that has been raised by the leader. I am aware that the Department of Human Services and the major hospitals are working through how they better manage their cash because the cash deposits within the hospitals have been increasing. We therefore want to ensure that those cash deposits are effectively used to treat patients. I will ascertain the specific information in terms of correspondence between the finance section of the Department of Human Services and the individual hospitals.

CITY SAFETY

Mr CONDOUS (Colton): Will the Minister for Police, Correctional Services and Emergency Services outline to the House the government's commitment to keep the city of Adelaide safe?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for Colton for his question: of course, we all know about his keen interest in keeping South Australia safe and, obviously, about his particular interest in keeping the streets of Adelaide safe. As Minister for Police, I congratulate the Premier on the way he has championed this dry zone initiative, which has been called for over a long period. I believe that the Premier's actions on 14 March this year clearly provided an opportunity for good, sound debate that occurred in the chambers of the Adelaide City Council last night. Police are doing a lot to keep our streets safe, and one only need look at the issue of weapons, for a start, and the good legislation that has passed parliament.

The Leader of the Opposition called for initiatives regarding knives but, interestingly enough, only 2 per cent of serious assaults involve a knife as a weapon. Through drug dealer initiatives such as Operation Mantle, Operation Counteract and, of course, Operation City Safe (Operation City Safe 3 is currently proceeding) there have been, for example, 85 arrests, 106 reports and 57 cannabis expiation notices. However, one of the most important initiatives is the dry zone trial initiative that was passed through the Adelaide City Council last night. For far too long police have had one hand held behind their back when trying to keep the streets of Adelaide safe. You only have to go out with police—as, indeed, I have done may times—and they will tell you that they have been calling for a dry zone for a long time.

I also congratulate the Lord Mayor on his initiative in this regard. I have spent a lot of time with the current Lord Mayor. In fact, I have had meetings with him and with senior police in my office. I have walked the streets of Adelaide with the Lord Mayor and spoken to the traders and shoppers, all of whom clearly told us that they wanted a dry zone. I know that upsets the opposition, but the fact of the matter is

that I also tried, on behalf of police, to encourage the previous Lord Mayor to get involved and support police in keeping our streets safe. We had several meetings with senior police present, and I put forward initiatives where the Police Department could help. Guess what? The previous Lord Mayor, the now left wing socialist Labor candidate, would not support a dry zone. But, to me, that is not something to be too surprised about, because you only have to look at the initiatives, or lack thereof, of the Labor candidate for Adelaide in relation to cannabis, concerning which her argument was, 'Cannabis won't hurt young people.' What a nonsense that was! That was what Jane Lomax-Smith said: 'Cannabis won't hurt young people.' Therefore, it is no surprise to me that Jane Lomax-Smith is also opposed to a dry zone throughout the CBD of Adelaide. She is clearly out of touch with what the broader community are calling for.

In my own electorate people have come to me as local member and police minister, and we have conducted community cabinet meetings right across the state for two and a half years, and the number one issue across the state when it comes to policing initiatives has been the call for a dry zone in Adelaide. Over at Port Lincoln—

Members interjecting:

The Hon. R.L. BROKENSHIRE: Yes, Mr Speaker; they would not know because, unlike the government, they are not out in rural and regional South Australia. The number one issue has been a dry zone for Adelaide. At least the left wing socialist Labor candidate for Adelaide, Jane Lomax-Smith, has a policy. It may not be a policy in touch with that of the broader community of South Australia but at least it is a policy. Sometimes in leadership, as Premier, whether you are in the ministry, whether you are a member of the government or whether you are in opposition—and particularly when you are the Leader of the Opposition—you have to show some fortitude: you have to show some real strength and leadership. You cannot show bipartisanship only when it suits you, nor can you merely put cheap mugshots in the *Advertiser* showing the Labor candidate for Adelaide at the pie cart. You must have fortitude if you are going to be anything like a potential Premier, and you must show that you are listening to the people of South Australia. The Leader of the Opposition claims to listen to the South Australian community. It sounds to me like the Leader of the Opposition and the Labor Party are not listening at all. What is your policy, Mike Rann, on the dry zone? Tell us now what your policy is, Mike.

The SPEAKER: Order!

The Hon. R.L. BROKENSHIRE: What is your policy, Mike? We can't hear you.

The SPEAKER: Order! I just remind members about referring to members opposite by their electorates or their titles. It works both ways in this case. I will pull members up on both sides if they continue to do it.

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence!

HOSPITALS, DEBT

Ms STEVENS (Elizabeth): Given the Minister for Human Services' request for an additional $35 million in next year's budget to pay out debts accumulated by our major public hospitals, how much debt is being carried by each major hospital and what is the forecast cash deficit for each hospital this financial year?

The Hon. DEAN BROWN (Minister for Human Services): It is well known that a number of hospitals have been accumulating debt for three or four years. In fact, that debt has been carried by the Department of Human Services. Therefore, the department has got to the point where it wants to resolve that issue and certainly there are discussions going on with Treasury at present as part of the bilaterals for the budget next year in terms of how to resolve that accumulated debt over a number of years. There is nothing new about that.

Ms Stevens: How much is each one?

The Hon. DEAN BROWN: I do not have the figures here in terms of accumulated debt for each hospital. I think a question on notice has already been answered in this House on that particular issue not long ago. I seem to recall signing off on the list so it may be the honourable member should simply read the *Hansard*. We are working through the issue of the level of accumulated debt and how to handle it. I stress at this stage that all that debt has been picked up in cash terms by the Department of Human Services.

ECONOMIC INDICATORS

Mr WILLIAMS (MacKillop): Can the Premier advise the House of the recent economic indicators for South Australia which would show that in many sectors South Australia continues to defy the national trends?

The Hon. J.W. OLSEN (Premier): Once again, the latest ABS figures underscore South Australia's good economic performance and, importantly, underscore that our economic performance is leaving the rest of Australia behind in a number of areas. New motor vehicle registrations are up 8.1 per cent in the year to February in South Australia—the third best figure of any state. Retail trade growth is up 7.7 per cent—also the third highest. There have now been seven consecutive months of strong retail growth. Spending on cars and consumer goods shows that South Australians have money in their pockets and the confidence to spend.

The strong national growth of 7 per cent in new car sales is a particular boost to this state because, if national sales are up 7 per cent with the motor vehicle and automotive component industries, that has a role on beneficial effect on our economy. For example, the most recent quarterly figures indicate that wages growth in South Australia is up 2.2 per cent. The national average was 1.2 per cent. Through the year to November it was 7.7 per cent; the national average was 5.5 per cent. Both figures were the highest of any state, indicating wages growth now is outperforming the other states of Australia. Hence the money in the pocket; hence the consumer confidence; hence in our consumer and retail goods sector we are seeing performance figures of which a number of states would be envious.

Our exports continue to surge ahead. Growth in 1999-2000 accelerated by 14.1 per cent; it was 17.5 per cent in calendar year 2000; and 18.8 per cent in the 12 months to January 2001. Every successive 12 month period in exports is setting new record export levels for South Australia. With a grain harvest of 7.5 million tonnes, and worth $1.4 billion, just wait to see what the export figures turn up next calendar year. Once again, we will be outperforming other states of Australia.

Unemployment is at 7.3 per cent, the lowest rate since June 1990. It is now only 0.4 per cent above the national average. South Australian job vacancies rose 7 per cent in the three months to February, whereas they fell 4 per cent nationally, indicating that the gap will continue over the foreseeable future. Also, business investment grew 25 per cent in South Australia in the December quarter from the

same quarter over the previous year, by far the highest figure of any state, with the exception of Tasmania. The national result was a fall of 2.5 per cent compared to our growth of 25 per cent.

As I have previously reported to the House, the increase in seasonally adjusted state final demand in South Australia was 3.6 per cent, outstripping Queensland at 2.1 per cent, and other states had negative growth through the same period. So, in that sector once again we are outperforming all the other states of Australia.

We had the second highest increase in trend dwelling approvals of all states in February. Access Economics' description of South Australia being the untold economic success story is still current on the latest ABS figures. We have only to look across the border to see the havoc being wreaked by the Labor government in that state and what the opposition might stand for in this state, if it ever got the chance.

WorkCover premiums in Victoria are up by 17 per cent on average, while ours will be down 14 per cent further on 1 July. That is on top of the 7.5 per cent reduction on 1 July last year. In other words, over a 12 month time line, we have seen a 21.5 per cent reduction in South Australia compared to a 17 per cent increase in Victoria. That is creating the competitive base.

One would pose the question: what would Labor do? Well, we have no idea on that, and I guess members opposite do not, either. They are not going to release any policies; or, as the leader suggested (and let me quote him to be accurate):

> At the end of the year, I want to have all our policies signed, sealed and costed for the public to scrutinise.

He said that last year. It is now April and we are still waiting for a policy, let alone a fully costed policy.

Members interjecting:

The Hon. J.W. OLSEN: I am glad the member for Hart chimes in. Maybe the member for Hart has this in hand, because his comment is that policies will be released 'at the appropriate time'. I am not quite sure when that is.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: Clearly, there is some confusion on the other side. They may be prepared to take the advice of their erstwhile federal leader, who told the media last week (and this is a ripper):

> If you don't have any policies, the issue of how you can afford them does not come up.

That was the federal Leader of the Opposition, Kim Beazley, on ABC radio. One of the responsibilities of an opposition in developing credibility is to have a policy and have it costed, and be game enough to put it out on the table. Has not the Leader of the Opposition been absolutely deafening in his silence on a dry zone? I wonder why that would be. Perhaps the Leader of the Opposition and the candidate for Adelaide have opposing views on this. We would not actually know, because the leader has been absolutely mute on the subject. We will be continuing the economic direction of this state, where financial repair has rebuilt the economy to the extent that we are now out-performing.

An honourable member interjecting:

The SPEAKER: Order! The Leader of the Opposition will come to order.

The Hon. J.W. OLSEN: What we will see over the next year is the delivery to South Australians of a strategy and a vision that creates a positive future. We just have to look at the success of major events. The government has sponsored or managed some 74 events, generating an estimated $110 million, while an additional 37 000 interstate and overseas visitors have visited South Australia because of our major events program. The Minister for Tourism's passionate advocacy of events, and tourism and growth in this state has seen the rewards now running through the economy in South Australia. On top of the V8 event this weekend, as announced last night, we have won the right to host the women's world golf tournament later this year.

An honourable member interjecting:

The SPEAKER: Order! The Minister for Police will come to order.

The Hon. J.W. OLSEN: Here we have the world's best in women's golf. South Australia has secured that in November/early December, and all credit should go to the minister and the AME team in securing this event for South Australia. This will profile our state internationally. I understand that some two players from 16 different countries—32 in total, if my memory serves me correctly—will be competing for that $US1 million prize money. In developing our economy, we are having some fun on the way, because the fun that we are generating in our community is creating jobs and promoting economic activity. We will continue to create a more vibrant South Australia, and a South Australia that has real and long-term jobs for our kids' futures.

Members interjecting:

The SPEAKER: Order! The House will just settle down.

HARRIS SCARFE

The Hon. M.D. RANN (Leader of the Opposition): 'Fun on the way' has replaced 'Going all the way'! Given the advice to some media outlets that Harris Scarfe has requested $15 million in assistance from the state government by way of a government guaranteed loan to ensure the company's viability and assist in its restructuring, will the Premier ensure that in any negotiations the job security of the company's 1 500 employees in this state, plus the accrued entitlements, will be paramount and that the Industries Development Committee of this parliament will be called together to examine any assistance package?

The Hon. J.W. OLSEN (Premier): I do not know where the speculative stories have come from in relation to suggestions that the government of South Australia is proposing to underwrite Harris Scarfe to the tune of $15 million in a restructuring or bail-out program. From time to time, requests are made of government but, of course, government makes a judgment as to whether it will even consider them. My ministerial statement today clearly indicated that we are not in a position to make any judgment on this issue, and we are not fully conversant with the issues confronting Harris Scarfe. We are prepared to use our best endeavours and cooperate with Harris Scarfe to ensure that it can make a value judgment. We are trying to establish three principles: first, that the 1 500 jobs are best protected or secured; secondly, that Harris Scarfe will continue to trade as an entity in some form in South Australia; and thirdly, and importantly, that the creditors, many of whom may well be small/medium businesses in South Australia, get payment for their goods and services, so that there is no domino effect in the economy through lack of payment of creditors of the company. All these issues are being addressed.

In my discussions on Friday and on a number of occasions yesterday, late last night and again today, I have indicated

that they are the three objectives that this government would want to secure for the work force, the creditors and the name and trading in South Australia. I am advised that Harris Scarfe's South Australian operations are profitable. Its South Australian operations have a turnover rate of stock that is well ahead of the retail average in departmental stores in Australia, and that augurs well for some restructuring or some involvement of the company or other recapitalisation of the company to enable it to continue to operate in the future.

I have just been advised that Harris Scarfe have indicated they have put in place a voluntary administrator. That is the first step forward. At the request of the chairman of Harris Scarfe, we have had discussion with their bankers. In effect, we have suggested to them that some time should be given for the voluntary administrator to look at the circumstances pertaining to the company so that advice and valued judgments can be made either by government or other parties about recapitalisation and continuing to trade. What is required in these circumstances is calmness, looking carefully at the circumstances confronting the company, working our way through those issues and, as I have indicated, the government will use its best endeavours by liaising with bankers and other institutions to see if it can assist in the process of recapitalisation.

As my ministerial statement has indicated, we have not given a commitment to Harris Scarfe in terms of any loan arrangements, underwriting or guarantees. It is far too early for that even to be considered. No undertakings or commitments have been given. We are simply looking at how we might assist in a positive outcome with those three areas. If, for example, the government were to be involved in some form in some way, then there is no difficulty from the government's perspective for the IDC in a bipartisan way looking at anything that might be put forward, but I do not want that to be taken as an indication that that is the course that we will pursue.

There are steps that need to be taken in a very careful and managed way, and to ensure that emotion does not get in the way and precipitate an action that will bring about what we do not want—and I am sure every member of this House would agree—and that is greater dislocation in staff numbers and lack of maximum return to creditors of the organisation.

ADELAIDE WATER SUPPLY

The Hon. D.C. WOTTON (Heysen): Will the Minister for Environment and Heritage advise the House of the latest government initiatives to protect Adelaide's water supply at its source in the Mount Lofty Ranges watershed? Yesterday, somewhat belatedly, I might add, I attended the launch by the minister in my electorate of the document 'The State of Health of the Mount Lofty Ranges Catchments from a Water Quality Perspective', and I am keen for the House to know more about this and other initiatives which will assist in the protection of the watershed.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for his support at yesterday's launch of the report into the state of the catchments of the Mount Lofty Ranges from a water quality perspective. The reason that the EPA carried out an audit of the water quality through our water catchment and the watershed area right across the Mount Lofty Ranges is that from time to time water quality incidents do arise with our water sources in those areas, and we thought it appropriate that the EPA conduct an audit on the issues and look at our water quality within the Mount Lofty watershed.

As a result of that, yesterday we released the report that shows the public the state of the health of our Mount Lofty water catchment. We think it important as a public education tool that the information be put out there so that the community is aware, not only of the issues we face but also many of the policy responses to those issues that we face within our water catchment area. I think everyone in South Australia is aware of the importance of the Mount Lofty Ranges water catchments to the Adelaide water supply. From memory, about 60 per cent of our drinking water comes from the Mount Lofty Ranges water catchment area.

The report raises a number of issues that this government and future governments will need to continue to address, such as contamination issues within the water catchment—that is, from chemical spraying and the like; erosion issues to inappropriate clearance of vegetation; the riparian zone management next to creeks—that is, the fencing off of the riparian zone so that cattle and the like cannot get access to the creeks.

Also, the management of household water treatment units (or septic tanks, as they are known) is also an issue, particularly through the Mount Lofty Ranges area, given the large number of septic tanks involved. All those pressures, combined with the pressure of nearly 90 000 people living in about 160 towns throughout the Mount Lofty Ranges, as well as the various agricultural industries spread throughout the district, impact on Adelaide's water supply from time to time. Adelaide, having an open water catchment, that is, an urbanised population living, and an industry working, within the water catchment, is a unique set of circumstances within Australia and therefore needs to be properly managed.

In response to the issues raised in the report, the government announced yesterday a $36.5 million program over the next five years involving about 12 staff in a new office at Stirling called the Watershed Protection Office. Those officers are all about addressing programs that deal with the riparian zone management and the issues surrounding septic tanks, industry, erosion and contamination issues that arise from time to time within the broader community.

Also, importantly, part of their role is to provide a good education base for people who live within the Mount Lofty Ranges area. There is no doubt that industry and the community in general need to be continually reminded of the importance of their actions and what ramifications their actions can have for Adelaide's drinking water.

I was therefore pleased that after a good deal of work by the department we have been able to resource 12 officers at our Stirling office—the Watershed Protection Office—and release a $36.5 million program that serves to better protect Adelaide's water supply.

ELECTRICITY, PRICE

Mr FOLEY (Hart): Thank you, sir. I could have asked the Premier my question privately. However, it is much better asked in the full glare of the House. Will the Premier say whether Mr Peter Vaughan, the chief executive of the key employer organisation Business SA, was correct in relation to the possibility of companies leaving the state due to the high cost and uncertainty of buying electricity in South Australia? Today's media quotes Mr Vaughan as stating that electricity was the biggest issue facing South Australia. Mr Vaughan said:

I'm getting three to four calls a week questioning why they would be doing business here.

Mr Vaughan went on to say:

The big companies' headquarters interstate are asking why they would stay in business in South Australia. There's a bloody nightmare coming up.

The Hon. J.W. OLSEN (Premier): All I can say is that they are voting with their feet and shifting to South Australia. Let me run through the list in case the member for Hart has forgotten. Only last Friday we opened a new expanded headquarters of SAAB, the defence and electronics company, which will employ another 90-odd people in a high-tech defence electronics industry expansion. Look at the white goods manufacturer Electrolux, formerly Email, shifting out of New South Wales and Victoria into South Australia. Look at British Aerospace (BAE), the world's third largest defence contractor shifting out of New South Wales and Victoria into South Australia. Look at BHP with its shared services centre: it put it not in Melbourne but in Adelaide, South Australia. If the member for Hart wants more examples, I can give him some.

The member for Hart will not have to wait too long because within the next few months more auto opportunities will be identified in South Australia. The low cost of establishment and operation, compared to New South Wales and Victoria, is a competitive advantage in South Australia. The member for Hart might like to do a bit of checking in New South Wales and Victoria as to what is happening with some electricity prices. The member for Hart ought to look to the future where some of the contracts are anticipated to go in New South Wales and Victoria.

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. J.W. OLSEN: We might see the member for Hart eating a bit of humble pie in the latter part of this year. Let us just see, with the fullness of time, how the circumstances unfold. I notice that one talkback host invited Peter Vaughan to talk about WorkCover. He asked, 'Mr Vaughan, what about WorkCover as a balancer to this?' That started to shake the argument and he moved on, because WorkCover will save premium payments of business of the order of $108 million. That money will stay in small, medium and big business in this state because of the reduced costs of operating.

South Australia is cheaper than the eastern seaboard in terms of buying land and putting a building on it; it is cheaper in average weekly overtime earnings; and we have a better industrial relations record and, therefore, a lower cost of operating than that of the eastern seaboard. South Australia's WorkCover costs, as I indicated to the House earlier, have decreased over a 12-month period by 21½ per cent. Victoria's figures, on average, are up 17 per cent and New South Wales has $2 billion of unfunded liability—and growing at the rate of about $100 million a month.

Business costs in New South Wales will increase; business costs in Victoria are clearly going up—

The SPEAKER: Order! There is a point of order.

Mr FOLEY: My question, sir, was quite specific and the Premier has not answered it: was Peter Vaughan correct when he said that we have a bloody nightmare on our hands?

The SPEAKER: Order! There is no point of order. The Premier.

The Hon. J.W. OLSEN: The member for Hart, having been bowled out with his question, now wants to rephrase his question to come in on a different tack—nice try, Kevin!

Mr Foley interjecting:

The Hon. J.W. OLSEN: Nice try. The fact is that the track record speaks for itself: the lowest level of unemployment in 10 years; the lowest youth unemployment of any state in Australia; and greater growth than in any other state—3.6 per cent in the last calendar year. The latest ABS figures released yesterday—and I know that the member for Hart was not present when I referred to this earlier—indicate that private sector new capital investment is up 25 per cent. If the private sector investment is increasing by 25 per cent that puts the lie to the member for Hart's suggestion.

The SPEAKER: The member for Waite.

The Hon. R.L. Brokenshire interjecting:

The SPEAKER: Order! I caution the Minister for Police; he is going a little too far this afternoon. The member for Waite.

MURRAY RIVER

Mr HAMILTON-SMITH (Waite): Will the Minister for Water Resources agree with me that all the states and the commonwealth need to agree urgently on a plan to protect and secure the future of the Murray River; and will the minister advise the House whether he believes that assurances from the Queensland government that it will agree to a cap on divergence from the Murray-Darling system will be honoured?

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank the member for Waite for asking the House to be updated on this very important issue. South Australia was very disappointed but not, in fact, surprised at last Friday's Murray-Darling Ministerial Council meeting in Sydney, which again—the member for Norwood might be interested to note—failed to get any commitment from Queensland with respect to a cap. For six years now Queensland has been saying that there is a need for a cap. For six years now it has disappointed all other members of the council—six years.

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: Can the member for Peake count six? Does he want me to go through them one year at a time? Six years. South Australia, New South Wales, Victoria and the commonwealth were all disappointed. Put simply, the Queenslanders are shirkers: they promise the world and they deliver nothing, and they have again failed spectacularly.

Mr Hill interjecting:

The Hon. M.K. BRINDAL: The member for Kaurna—that hairstyle in search of a policy—waxed lyrical on the weekend about federal intervention. If this is a plot by the Labor states—which are, after all, unashamedly centralists—to so force the issue as to put them beyond doubt in the hands of the federal government, let them say so. Instead of putting us through years of pretending that they want to govern the basin properly and failing to do so, let every Labor state now say, 'We will continue to argue and disagree on the management of the river until we force it into the hands of the federal government.' That is what members opposite want, and it appears that the member for Kaurna wants it. If the member for Kaurna wants it taken out of the hands of South Australians, Queenslanders, New South Welshmen—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: The actions of the Queensland government will lead to one inevitable conclusion, and that is federal intervention. South Australia cannot afford to let the Murray River die. The opposition members should tell us clearly whether they are for a centrally controlled River Murray, because their colleagues interstate seem hell-bent on that. To help them, if the Queensland government fails to sign off in June on the cap, the South Australian government intends to take up the issue of competition payments and withdrawal of funds from Queensland. If the opposition is lacking a policy on this matter, it may be profitable for this government to put a motion to the House and let all the people of South Australia see how the opposition votes on that motion. Either they are for South Australia's efforts on this river or they are against South Australia's efforts on this river.

I refer in conclusion to an interjection by the member opposite from Whyalla: 'They're simply not listening.' Well, she might speak truthfully for members of the opposition—she speaks more than truthfully for them—but I can tell you that the rest of South Australia is listening in relation to the River Murray. The rest of South Australia is demanding action. It is this government, not the policy-free zone opposite, that is delivering.

IRRIGATORS' RIGHTS

Mr HILL (Kaurna): My question is also directed to the Minister for Water Resources. What action has the minister taken following statements by the Deputy Prime Minister, John Anderson, that the National Party will defend the rights of a few Queensland and northern New South Wales farmers over those of the people of South Australia, and has he written to the Prime Minister seeking to have his deputy disciplined? Following last week's Murray-Darling Basin Ministerial Council, the Deputy Prime Minister said that defending the rights of irrigators outside South Australia was a line-in-the-sand issue. In rejecting attempts by Senator Hill to achieve a greater environmental flow down the Murray, the Deputy Prime Minister stated:

> The National Party will not allow the rights of farmers and irrigators to be disregarded in the interests of environmentalists in other states.

The Hon. M.K. BRINDAL (Minister for Water Resources): In 11 years in this place I have never heard a question that exhibited such hypocrisy. I ask the shadow minister whether he—

Members interjecting:

The SPEAKER: Order! The minister will resume his seat. I ask members on my left to come to order.

The Hon. M.K. BRINDAL: I ask the shadow minister whether he, the Leader of the Opposition, or any member opposite, spoke to any member of the Queensland government in support of South Australia's position. And the answer is a deafening silence. *Hansard* cannot record silences. Secondly, with due deference, I point out—

Members interjecting:

The SPEAKER: Order!

Mr Koutsantonis interjecting:

The SPEAKER: I warn the member for Peake.

The Hon. M.K. BRINDAL: Secondly, and with due deference, I point out that the Deputy Prime Minister of Australia is a Queenslander.

Members interjecting:

The SPEAKER: Order!

Mr Clarke interjecting:

The SPEAKER: Order! I warn the member for Ross Smith.

Members interjecting:

The SPEAKER: Order! Members will resume their seats. The minister will resume his seat, too. I ask members to come back to order. I have warned the member for Ross Smith. The member for Hart has a point of order.

Mr FOLEY: I rise on a point of order, sir. The minister has perhaps inadvertently misled the House. The Deputy Prime Minister is from New South Wales, not Queensland.

The SPEAKER: Order! The minister.

The Hon. M.K. BRINDAL: I stand corrected. I was just checking to see if they were listening. I will discuss the appropriate action that this government—

Mr Lewis interjecting:

The Hon. M.K. BRINDAL: If I can. To briefly draw this to a conclusion, I will discuss as is appropriate with my ministerial and cabinet colleagues—indeed with my party—what action South Australia might take in reply to the question. Let me finish by saying this: South Australia strongly supported the stance on the environment taken by Senator Hill—strongly. It was sunk in the ministerial council by three Labor states. No matter what the Deputy Prime Minister may or may not have said, at the end of the day South Australia stood firm with Senator Robert Hill and it was the Labor states of the eastern seaboard—

Members interjecting:

The SPEAKER: Order! The minister will resume his seat. I warn the member for Ross Smith for a second time, and the member for Kaurna. Members will not continue this shouting and interjection in ignoring the chair.

The Hon. M.K. BRINDAL: —that behaved treacherously to the river.

MUNDULLA YELLOWS

Mr MEIER (Goyder): Will the Minister for Environment and Heritage provide an update to this House on the spread of Mundulla Yellows in South Australia and indicate what action is being taken to endeavour to combat, and hopefully stop, the spread of Mundulla Yellows in this state? Mundulla Yellows, which is a disease that affects trees and is characterised by a yellowing of the leaves, eventually leads to the death of the tree. Mundulla Yellows comes from the fact it was found first at a place called Mundulla, which I believe is in the electorate of MacKillop.

Mr Foley interjecting:

Mr MEIER: You asked for an explanation; now you do not want it. The fact is that Mundulla Yellows has now spread from the South-East over a period of time into the electorate of—

Mr Foley interjecting:

Mr MEIER: I am stating a fact. You don't like listening, do you?

The SPEAKER: Order! The member will resume his seat. The chair, on behalf of all members present, is fed up with the constant interjecting across the chamber this afternoon. The chair is now prepared to move very smartly if members do not behave themselves.

Mr MEIER: The disease of Mundulla Yellows has spread to Yorke Peninsula and, increasingly, I am receiving reports from people who are identifying trees that are affected.

The Hon. I.F. EVANS (Minister for Environment and Heritage): As the member pointed out in his explanation, Mundulla Yellows now has a widespread hold in rural Australia, not only in South Australia but also in the Hunter Valley in New South Wales, Hobart and in eastern Victoria. I understand that Perth in Western Australia now has some samples of it. I think the House might be aware from previous answers that New Zealand has a similar disease in several of its native plant species.

Over the last year or so, the government, in partnership with a number of other organisations, the federal government, local government and other research institutions, has allocated about $270 000 to a research program to try to find the cause of Mundulla Yellows and exactly the nature of the disease itself with the aim of trying to provide a solution to what will be a significant issue for the whole country in relation to the spread of this disease.

It is not simply an economic issue. I know that the forestry industry across Australia has some concerns about the long-term impact of this disease if it is not brought under control relatively quickly. It is not just an economic issue from the forestry point of view; significant areas of native vegetation are now showing evidence of Mundulla Yellows running along their boundaries, so biodiversity issues are also involved. The Native Vegetation Council recently approved a grant of another $21 000 on top of the $270 000 that has already been spent. The $21 000 will be spent on examining the distribution pattern of Mundulla Yellows, to try to ascertain whether a relationship exists between the disease and soil types or the terrain. So, another $21 000 is going into research there.

The member for Goyder might be interested to hear that we have also taken up the matter with our federal colleagues, trying to get another $100 000 in joint funding between ourselves and the federal government to continue further research into this matter. We think that is important, and recently we have written to Senator Hill on that matter. David Paton and Dr Stephanie Williams are currently drafting a submission to the federal government in relation to nominating Mundulla Yellows as a key threatening process under the commonwealth's EPBC act. We think that if we can get it successfully nominated under that act it will also open the door for more research and better management of the issue.

I thank the member for his question. I know that many rural members have an interest in Mundulla Yellows. In fairness, however, I think that whatever research shows us over the next six to 12 months it will be a longer period of time than that—probably three to five years—before we have a successful solution to this issue. From time to time we will take the opportunity to update the House.

REGIONAL DEVELOPMENT FUND

Ms HURLEY (Deputy Leader of the Opposition): I direct my question to the Deputy Premier. How much of the $14.5 million Regional Infrastructure Development Fund has been spent on electricity infrastructure; how many applications were received for power projects; and what attempts, if any, will be made to recover this grant money from the private companies that now lease the power system? In answer to a question last week at the conference of regional development boards, the CEO of the Department of Industry and Trade, Mr John Cambridge, complained that most of this fund was going to electricity projects which were benefiting the new private operators of our electricity system. Mr Cambridge questioned the strategy of privatising power if the taxpayer was still paying to upgrade the system.

The Hon. R.G. KERIN (Deputy Premier): Quite a bit of the Regional Development Infrastructure Fund has gone to electricity, for a very good reason. Labor never had a fund like this. This is basically for people who are trying to build businesses and create jobs in regional areas but who find that the cost of infrastructure is an impediment that is not shared in the city. The reason for the Regional Development Infrastructure Fund is to provide some equity for those who are creating jobs in the regional areas to put in the infrastructure. To say that it is a gift to the new operators is an absolute nonsense. It is applied where there are difficulties in the connections because of the distance or lack of capacity in the lines. ETSA looks at what is a viable case and future usage, and the shortfall is what the operator is then asked to pay. We are not subsidising the utility: we are subsidising the business person to get connected, because that is what they normally pay. So, if someone is having to pay $130 000 to bring power into an area to build infrastructure and create jobs, we look at subsidising that private company or private individual's costs of bringing in the power to create those jobs. So, to say that it is subsidising the owner of the asset is a nonsense—

Ms Hurley interjecting:

The SPEAKER: Order! The deputy leader will come to order.

The Hon. R.G. KERIN: —because normally they would get the money off the operator—

Ms Hurley interjecting:

The SPEAKER: Order! I warn the deputy leader.

The Hon. R.G. KERIN: —or the investor who is creating the jobs. If that person does not pay to get the power there, the power is not put there. In a lot of cases we are subsidising three phase power or the cost to build the capacity or put in a new line. We are subsidising the cost of doing that to the person who is investing in the jobs in that area, not the electricity company.

ABORIGINES, NATIVE TITLE AGREEMENT

The Hon. G.M. GUNN (Stuart): Will the Minister for Minerals and Energy advise the House of the significance of the recent native title agreement signed between Magnesium Developments Ltd and the Adnyamathanha people in the north of South Australia?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I am well aware of the member's strong interest in the SAMAG project which is the company to which he was referring. Indeed, the member and also the Deputy Premier have been very keen supporters of this project because, apart from being good for the state, the project will have significant benefits for their electorates. I am pleased to be able to inform the House of the granting of a mining lease for the South Australian SAMAG project. The mining lease is over the Mount Hutton magnesium deposit, which is some 220 kilometres north north-east of Port Augusta and is the area the company intends to mine for magnesite. The mining lease is also 20 kilometres from the Telford rail siding which the company plan to use for transport purposes and, in order to use this siding, it intends to build a haulage road from the mining lease to the rail track.

The mining lease was granted last Friday, 30 March after successful signing of the native title agreement between the company responsible for the SAMAG project, Magnesium Developments Ltd, and the Adnyamathanha people. The

native title agreement was signed by both parties on 16 March, and I was delighted to approve it for registration on 29 March. The project is the fifth venture in this state in which native title agreements have been successfully negotiated and have subsequently resulted in the granting of a mining lease. The native title agreement has been fully assessed to ensure its compliance with the notification procedures under both the act and the Native Title (South Australia) Act 1994.

As members would expect, the agreement places a number of obligations on MDL as part of its project and they are:

- to abide by Aboriginal heritage laws and provide relevant education and training programs to its staff;
- to use its best endeavours to employ a minimum of 10 per cent Adnyamathanha people on the mine site;
- to use Aboriginal businesses and service industries wherever possible;
- to rehabilitate the land progressively and, where possible, revegetate; and
- to allow access to the area to the Adnyamathanha people for the purpose of conducting traditional activities, accept areas where, for reasons of health and safety, access must be restricted.

In addition, the Adnyamathanha and MDL will cooperate to formulate strategies for business enterprises where appropriate. The signing of the native title agreement has led to successful granting of a mining lease and fulfils another significant stage in the eventual success of this project. The member for Stuart and the Deputy Premier have both played an integral part in progressing this project forward. As has previously been mentioned in this House, a significant need of the project is an extra gas supply into South Australia. The $200 million gas leak that has previously been touted in this House, through a consortium involving SAMAG, Australia National Power and Origin Energy is, indeed, another significant step toward achieving this project.

On 24 January last year, SAMAG announced that it had agreements for the exclusive licensing of the Dow chemical company's technology for magnesium metal manufacture. There has been a considerable number of steps along the way to making this project a reality, and the signing of this native title agreement is going a long way toward that. So members can appreciate the significance of the mining operation as it becomes possible. SAMAG aims to commence production in early 2004 and, at a rate of 52 500 tonnes per year of magnesium metal or magnesium alloys, it eventually hopes to have a production of 100 000 tonnes a year. That is a significant project and one that cannot occur without putting vital steps in place. There is an expectation within industry that the annual global demand for magnesium will effectively triple over the next few years to 1.5 million tonnes. That is largely due to increased demand in the automotive business.

The government intends to continue to assist this project wherever possible but, importantly, not only is this a good project for this state and the towns of Port Pirie and Port Augusta but also the signing of this native title agreement indicates to the mining industry that South Australia is open for business. We do not have in South Australia the impediments to negotiating native title agreements that they are now finding they have in Queensland, New South Wales and Western Australia. The message is loud and clear: if you want to negotiate a native title agreement, if you want to ensure that you can move forward with your exploration in mining, if you want to ensure that you can move forward with production mining, South Australia is the place to come.

BULLYING

Ms BEDFORD (Florey): Will the Minister for Education and Children's Services tell the House what action his department is taking to educate about and prevent workplace bullying, especially in schools; what code of conduct, if any, applies within the department; and what grievance procedures are available for a DEET employee experiencing the debilitating effects of bullying?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): This issue is not alone in South Australia. It has been raised in all states of Australia and currently is being addressed in a range of ways by various education ministers. The issue of bullying of students in schools is particularly important, and there are a number of areas in which we are being proactive. The—

Ms BEDFORD: On a point of order, Mr Speaker, the question was actually directed at what the department does for people who work at schools, so it is for the teaching staff rather than students, although both areas are important.

The Hon. M.R. BUCKBY: I could not hear the member for Florey clearly when the member asked the question. That is why I assumed she was talking about students. If a teacher, when complaining to the principal about bullying, does not receive an appropriate response, that teacher can raise the issue with the district superintendent, who would then arrange a meeting, I imagine, with the principal. If that process is not occurring, I would be pleased if the member would give me details of any specific cases that she has and I will certainly ensure that it is followed up.

INTERAGENCY CODE OF CONDUCT FOR CHILD ABUSE AND AGENCY TRAINING COURSE

The Hon. I.F. EVANS (Minister for Environment and Heritage): I lay on the table a ministerial statement on the Interagency Code of Conduct for Child Abuse and Agency Training Course made by the Hon. K.T. Griffin in another place.

GRIEVANCE DEBATE

Mr FOLEY (Hart): I rise today to make a few comments about the Premier's electricity task force that he announced a little over a week ago. From the outset, can I say that, with respect to this committee, we have been highly critical—as I will be now—about its composition. That is not meant as personal criticism of the individuals involved, but the task force itself is ill-equipped to deal with the serious problems confronting electricity users in this state. As Mr Peter Vaughan has said publicly today in a very well written article in the *Advertiser*, South Australia is facing 'a bloody nightmare'. They are the words of Mr Peter Vaughan from Business SA about the massive price increase facing South Australian electricity users.

We have a major problem. We have an economic crisis the like of which this state has never faced before when it comes to electricity. We are looking at price increases well in excess of 30 to 50 per cent come 1 July for medium size users of electricity. The crisis that our state faces needs urgent action. I agree that it needs a task force to inquire into what are the

major problems with our industry and what we can do very quickly to bring down the Olsen government's electricity prices.

The nightmare Peter Vaughan talks about is a 'Nightmare on Olsen Street', because it is the Premier who has delivered price increases in excess of 30 to 50 per cent to consumers in South Australia. The findings of the task force the Premier has put together will be compromised; they will be based on self-interest and on the fact that there is inadequate expertise on that committee. We need a small group to review our electricity industry, perhaps no more than three or four members, but highly skilled industry analysts and experts with no vested interests and who understand the complex nature of the national electricity market, how it operates, and where we have gone so horribly wrong in South Australia. It might be people who have experience internationally and understand the problems faced by the state of California (and now, we understand, the state of New York), people who understand the mistakes that were made with the price pool system in the United Kingdom, or people in Australia who understand the need to have sufficient competition in the South Australian and national electricity market—four or five experts who do not have vested interests and who understand the complex nature of the national electricity market.

Looking at this committee, we have the President of Business SA, Mike Hannell, former senior executive of Santos. In itself I can understand why Business SA is there because its members will be hurting. We have the Chairman of the South Australia Gas and Electricity Users Group, again another consumer—useful input from users—but they should almost be the witnesses to an inquiry and not those undertaking the inquiry. No disrespect to the Mayor of Loxton, but what does the Mayor of Loxton understand about the complex nature of the national electricity market? It is a complex issue. We see the CEO of ETSA Utilities, Mr Scarcella. He has a vested interest: he is the CEO of a major industry participant who obviously has a commercial interest. I do not want to put too fine a point on it, but Mr Scarcella is known to have strong links with the Liberal Government. The Managing Director of Australian National Power is on the committee—a generator with a clear commercial vested interest. This has to be about breaking the power of the generators, yet we have a generator sitting on that committee. AGL is a retailer and will be there obviously to protect their commercial interest.

We then find that we have a representative of the Department of Treasury and Finance. The architects of the current industry structure are on a committee to review it. What nonsense! No disrespect to the individuals involved: quite rightly they will have their commercial vested interests, and if they are bureaucrats they will have their reputation and their own vested interests that they will be about trying to protect. We need an independent, objective analytical team to come in and look at it, a team of experts who understand the complex nature of electricity markets, who can give objective advice without fear or favour and can tell this government and the parliament what we need—not a committee made up of people who simply are not capable of doing that.

Time expired.

Mr CONDOUS (Colton): I have decided to speak in this debate today, first, to congratulate the members of the Adelaide City Council who last night made a decision to declare the city of Adelaide dry.

Mr Foley: Why didn't you do it?

Mr CONDOUS: I will tell you why; I am standing up to tell you exactly now.

Mr Foley interjecting:

The SPEAKER: Order! The member for Colton has the call.

Mr CONDOUS: The member for Bright tackled the member for Hart, asking why Jane Lomax-Smith did not declare it when she was Lord Mayor. The member for Hart immediately asked why did not the member for Colton, when he was Lord Mayor, declare the city dry. I will provide this information—and there were two witnesses to what I am about to say. I had a discussion with my council when I was Lord Mayor, because we were very concerned about the behavioural problems being experienced in Victoria Square. We had a discussion with them and, when we tallied it up, 13 of my 18 members of council were in favour of declaring the city squares dry. We then made an appointment with the then Attorney-General, Chris Sumner, whose office at that time was situated in the SGIC Building in Victoria Square. I took with me Councillors Bambaccas and Rouse. When I approached the Attorney-General, informing him that 13 of the 18 members were in favour of declaring the square dry, his answer was very simple: that it would never happen under a Labor government. I have two witnesses to that conversation.

The amazing thing is that the behavioural problems in those days were such that when I went to the Hilton Hotel to pick up the Lord Mayor of Athens, who was here for a Glendi Festival, I saw him crouched on the asphalt. I asked him, 'What are you doing down there?' to which he replied, 'Is that your Aboriginal community over there drinking?' I said, 'Yes, that's right.' He said, 'How do you tolerate that in a city like this?' I said, 'It's been going on for years.' He could not believe it.

This week, on Sunday night, the Deputy Chief Minister of the city of Georgetown, Penang—the equivalent of the Deputy Premier—was sitting next to me and mentioned the behavioural and drinking problems in Victoria Square, to which I responded that this had been going on for years and that nothing was done about it. I said, however, that the council was on Monday night about to make a decision. I saw that he was here this morning with the President of the other place, and I informed him of the council's decision. I can understand Jane Lomax-Smith not declaring the square dry for a couple of reasons.

Mr Foley: Why didn't you declare it?

Mr CONDOUS: Didn't you just hear—it was refused by the government. It would not have made any difference—we made quite clear that we had the numbers and wanted it declared dry, but Sumner would not give government approval to do it. But Lomax Smith, whose husband has an interest in earning a lot of money on an annual basis as a legal representative of the Aboriginal community—

Mr FOLEY: I rise on a point of order, sir.

The SPEAKER: Order! The member for Colton will resume his seat. There is a point of order.

Mr FOLEY: The current member for Colton is continuing to misrepresent the former Attorney-General.

The SPEAKER: Order! There is no point of order. This is a general grievance debate.

Mr FOLEY: If the member has evidence, he should bring it into the House.

The SPEAKER: Order! The member will resume his seat.

Mr CONDOUS: Her husband represents the Aboriginal community and earns a substantial living every year, and this is one of the reasons—

Ms Ciccarello interjecting:

Mr CONDOUS: Well, we know you're a mate of hers.

Mr Foley: You're a liar.

Mr CONDOUS: We know the member for Norwood is a mate of hers.

The SPEAKER: Order! The member will resume his seat. The chair takes exception and asks the member for Hart to withdraw.

Mr FOLEY: Well—

The SPEAKER: There is no exception: the member for Hart will withdraw or I will name him.

Mr FOLEY: I withdraw.

The SPEAKER: He withdraws. The member for Colton. It is a wide-ranging grievance debate.

Mr CONDOUS: Not only that—

Mr FOLEY: On a point of order, sir—

The SPEAKER: There is a point of order. The member for Colton will resume his seat.

Mr FOLEY: The member for Colton has just accused the former Attorney-General of this state of undertaking a corrupt practice. That is what you just did—and you should withdraw it. You are alleging improper motives and you are alleging that the former Attorney-General—

The SPEAKER: Order! There is no point of order. I will start the clock. The member for Colton.

Mr CONDOUS: All I said was that the Attorney-General would not conform to the request of the council and refused to declare the area dry. Last night we saw three members vote against it: Councillors Brine, Mackie and Angove—and we know what side of politics those three are on. Councillor Mackie, who I must admit is a very articulate and brilliant young man, probably did not want or did not care about declaring it dry because he already has his little nest in Hindley Street totally dry, so it was of no interest to him.

I say to members today that, when they travel around the country, in what square in the cities of Melbourne, Perth, Sydney or Brisbane do they see large gatherings of people drinking? I have not seen it in Hyde Park in Sydney. I have not seen it in Melbourne or Perth, but you see it in Adelaide. Why do we tolerate it? What message are we trying to send to people coming here as tourists to enjoy the city of Adelaide when we have that sort of problem existing on a daily basis? Let us move forward. I do not mind anyone having a drink—I do not care what they do, but do not harass the community of South Australia, because 80 per cent of people have made clear that they want this city declared entirely dry.

Time expired.

Mrs GERAGHTY (Torrens): Last Saturday night (31 March) people living in the north-eastern suburbs were again subjected to very loud explosions from fireworks in the region. These fireworks could be heard from about 9 o'clock until 10 o'clock at night. I must say that they were incredibly loud. I live about three kilometres from the property where these fireworks were exploded and, to me, they sounded like they were just in the next street. In fact, I received complaints from residents living in Ridgehaven, Gilles Plains, Holden Hill, Modbury and Valley View who were really perturbed about these explosions.

Many people called the police and were told that the police had received hundreds of calls. They were told that the people using the fireworks had a permit and that a patrol car had been sent to investigate the situation. I do not believe that a patrol car investigated because a very reliable person witnessed the fireworks display just a short distance from the house where they were being used and did not see a patrol car attend the scene. If a patrol car had attended the officers certainly would have seen that the fireworks being used were obviously illegal and they would have put a stop to the activity. Let me just detail what happened.

At 9 o'clock until 9.05 there were seven aerial displays and, when I talk about an aerial display, I am talking about sky rockets—very big ones. Four coloured and three white sky rockets were exploded. At 9.05 to 9.15, the people using the fireworks used their legally bought fireworks. At 9.15 there was another very loud explosion—very cannon-like. At 9.20 there was another white aerial display; at 9.35 there were four white aerial displays; at 9.36 there was another very loud explosion; at 9.37 there was another white aerial display; and at 9.42 until about 10 o'clock the shop-bought fireworks were used. So, there were at least a dozen aerial displays that were illegal fireworks—absolutely and very clearly illegal.

Mr Hanna: What is the government going to do about it?

Mrs GERAGHTY: Exactly, what is the government going to do? That is the question. What occurred on that night is that the people concerned did have a permit for shop-bought fireworks and they did notify their neighbours and the police, as they should do, but they used illegal fireworks in between the use of the legal fireworks. A complaint had been made against that same property on the Wednesday preceding the Saturday so that the police had already been notified that there was a problem at that address. Of most concern is that many callers could not get through on the 11444 number and those callers who did get through were told by a recorded message to call their local police station.

They did so and one lady was put on hold for some time. She was then told, 'Don't worry, a patrol car has attended. The people concerned have a permit, so that is fine.' But a patrol did not attend. No patrol car attended. The other concern is that people called the 000 number because they were so concerned. I also had problems. As I said, it was an incredibly loud noise and people were exceptionally concerned about it. The 000 operator told those callers, 'Don't worry, it is just a party and they have a permit.' This particular property had complaints listed against it earlier in the week. Hundreds of complaints were made, as acknowledged by the police on Saturday night but they did not send a patrol car to investigate. People were told to contact the council on Monday. Monday is far too late; the problem was Saturday night.

The Hon. M.K. Brindal: What if someone was being attacked or robbed?

Mrs GERAGHTY: Hang on, minister, we will get to all of this. Many people who called—and many members still continue to receive calls—were elderly folk who were terrified, people with pets that were injured and people with young children who, because of these explosions, were scared and would not settle down. It is time that something was done about this issue because it has been going on for a number of years now. It has been raised in this place on numerous occasions. It is time that Workplace Services looked at a possible breach of schedule 9 and did something about it.

Time expired.

Mr VENNING (Schubert): First, I remind the member for Torrens that it is illegal to buy sky rockets in South Australia. It is illegal to buy them and one therefore cannot get a permit to discharge them. I have spoken regularly in this

House about the Barossa Infrastructure Limited's project of bringing unused allocated water from the Murray via the Warren Reservoir into the Barossa. I can say now that the work is going full steam ahead. Over the past three to four weeks some 35 kilometres of pipeline has been laid. Some of the pipeline is huge—up to one metre in diameter. There are three teams of construction workers from Mitchell Pacific. Huge trenching machines are carrying out the work. Driving around the valley one can see piles of dirt, pipes and workers everywhere—there is a real buzz. Certainly, this project is one of the biggest undertaken in the region and I congratulate those growers who had the foresight to support the project. They will reap the future benefits of the project because, after all, they are the people paying for it.

The main reason I rise today is that I recently spoke in this House about my concerns with respect to some members of the Riverland Central Irrigation Trust who rejected the proposal to lease a small percentage of their unused water allocation to the BIL. Even though some Riverland growers rejected the proposal, I have recently been advised that the Barossa Infrastructure Limited has been offered four times the amount of water it needed, and I am very pleased that this has happened because there is plenty more water there if the project were bigger. I have heard arguments from some Riverland growers that unused water allocations should be left to help improve the health of the river. I note the minister's comments about this, not only today but also over the weekend, and I share his concern. We are only a small part of the problem in Australia.

I know that we do impact on the health of the river, particularly in relation to salinity issues. The amount of water that the cotton and rice growers in New South Wales and Queensland take from the river is absolutely staggering. I have heard that dams constructed on properties in Queensland hold the same amount of water as Sydney Harbour. That is mind-blowing stuff when one considers the amount of water that is held back and not allowed to flow down into the Murray-Darling system. What makes it worse, as a result of the regulations there restricting the depth of dams, is that many of these dams, as the minister would know, are very shallow, which, of course, means huge amounts of evaporation.

Certainly, I support the minister in his initiatives and his push over the weekend to try to bring some sanity to this very serious situation. The dam to which I refer was situated on only one property in Queensland. Imagine how many times that scenario is duplicated across New South Wales and Queensland, and the Queensland government has the audacity to reject any cap on water usage. I note the minister's answer to a question today in the House. I know that I am digressing but I want to put on the record that the BIL's proposed water usage is minuscule compared to how eastern state irrigators waste this very scarce resource.

The BIL project will ensure the future of the Barossa Valley as the premium wine-producing region in the country and, indeed, the world. Everyone today wants to be a part of the action. Everyone wants to be in the Barossa and McWiggins Wines is just the latest with a $30 million investment. Although it is not a subject openly discussed, the Barossa was literally running out of water. As mentioned, this project, supported and paid for by the growers in the region, will ensure the region's future. As I said, my only concern about this project is not that it is not big enough. Growers are already wanting more water but they were not there at the start.

The project was designed to accommodate those growers who do want a piece of the action. The water allocations are fully subscribed and I knew that that would be the case at the time. Nevertheless, the Barossa is booming and will continue to do so. New vineyards are still being planted at a great rate and there is continuing talk of more big interstate wineries on the horizon relocating their operations into the Barossa. I strongly believe that the Barossa is a real powerhouse of industry in the state and, as we all say in the region: glory to the Barossa.

Mr CLARKE (Ross Smith): Originally, I was going to talk about the Minister for Water Resources' appalling lack of knowledge concerning the geographical areas represented by different members of federal parliament. However, having listened to the member for Colton, I want to make a couple of other points instead of spending all my allotted time on the issue of the dry zone that the Adelaide City Council is seeking to impose in the CBD area.

First, Jane Lomax-Smith was attacked because of what her husband does for a living. As far as I know, he still is a legal representative working for the Aboriginal Legal Rights Movement. To say that the former Lord Mayor and now Labor candidate for the state seat of Adelaide would be influenced in her view, because of her husband's earnings or position is, I think, outrageous. On reflection, I think the member for Colton would want to apologise for that. I well recall when the member for Elizabeth, the shadow minister for health, legitimately asked questions in this House of the then health minister about the present member for Adelaide and some of his share transactions and some of his involvements, as a minister of the Crown. She mentioned the fact that his wife was a sharebroker who held shares, in her family's name, in some of the companies with which the minister was dealing. The questions were legitimate and did not accuse the minister's wife of any impropriety: they merely stated matters of fact. There were howls of outrage from the government bench that we had stooped to a new low because we had involved the spouse of a member of parliament in a political fight. Therefore, the member for Adelaide, the minister, sought an apology from the member for Elizabeth, and she gave it. I do not think she needed to give it, quite frankly, because she was not attacking the minister's wife: she raised facts in a straight question to the minister and did not allege any impropriety or attempt to impugn his wife's integrity.

However, the member for Colton has done so with respect to Jane Lomax-Smith. Whilst she is not yet a member of this House—but no doubt soon will be—I think that, to attack her through her husband, is terrible.

Mr Condous: It has been said to me by—

Mr CLARKE: I do not care what the member says about why and what for. I think the member for Colton owes her an apology and he ought to give it, because the offence that he committed, quite frankly, is far graver than that alleged against the member for Elizabeth.

The other issue on which I wish to speak is the Murray-Darling Basin and, in particular, the minister's point about the Queensland Labor government. The same could also be true of a Queensland National Party-led government, a New South Wales Labor government or a New South Wales Liberal government, and likewise in Victoria. I said at an ALP National Conference in August last year, I have said it in this House before, and I will say it again: the only point about the

minister's answer to the dorothy dix question with which I agree is the fact that federal intervention is needed.

I believe that all states should cede their sovereignty on the issue of the Murray-Darling Basin to the national government. Only the national government has the ability and wherewithal to raise the funds and should have undoubted constitutional powers to save the Murray-Darling Basin. It is a nonsense to have four state governments squabbling and, quite frankly, it will not matter if we have a Labor government in South Australia—which we will after the next state election—because we will still have the same problems when dealing with a Labor government in Queensland or New South Wales: they will look after their own back yards and to hell with the rest of us. Only a federal government, unencumbered by constitutional restrictions, can deal with this matter. This government should be pressing for a constitutional change to give the federal government undoubted powers. The member for Adelaide tells me that the member for Elizabeth has never apologised. I simply say that for the record.

Time expired.

Mr MEIER (Goyder): Commencing last Friday and being completed on Sunday was the installation of some new flashing warning lights for the junction north of Port Wakefield. I sincerely thank the Minister for Transport for her endeavours in ensuring that those lights were installed. It was my pleasure to personally inspect them yesterday. I believe it is a significant step to help ensure that this intersection north of Port Wakefield is safer as a result.

This intersection was constructed in 1998, and members would possibly be aware that it has caused problems. In fact, it was the focus of an inquiry to ascertain why accidents were occurring there. I will not go into the background, but members may be aware that the people of Port Wakefield who were involved in preliminary discussions on the upgrade were not in favour of a new intersection, and I fully supported them at that stage. However, we have a fait accompli because the intersection has been built—and a significant amount of money was provided by the federal government. It is important to ensure that all who use that intersection have maximum safety. I believe now that, with the flashing warning signals, together with the sign 'Prepare to give way', traffic coming from Yorke Peninsula and about to enter Highway 1 will be assured that it is a safe intersection that can continue to be used without drivers having to stop there.

I know there was some thought that perhaps a stop sign should be erected. I was, and am, totally opposed to such a move, as someone who uses that intersection on a regular basis. At times of very little traffic, I can see that it would simply be used as a revenue raiser because police would catch those who did not stop when there was no need to stop. Visibility in both directions is very clear and, other than in exceptional circumstances, one does not have to stop. So, thank you, minister, for what you have done to help improve the safety of this corner.

I want to comment on the fact that the minister responsible for infrastructure, the Hon. Michael Armitage, commissioned new $3.5 million upper Paskeville water storage facilities last Thursday week. I am delighted that, at long last, in my electorate, we have probably the most state-of-the-art modern water storage facilities in Australia. Members will recall that, almost one year ago—at Easter—a health scare occurred on Yorke Peninsula and, in fact, the thousands of tourists who came to Yorke Peninsula were not able to use the water. That was completely attributable to the fact that the filtered water which came to the area went into earthen dams at Paskeville, and algae contaminated the water, and the contamination went further down the peninsula. That should never recur, because the construction of the new lined and covered dams—in which floating vinyl has been used—should ensure that the water will be as fresh as can be hoped for with modern technology. It is a great pleasure to see those dams erected.

Time expired.

SELECT COMMITTEE ON DETE FUNDED SCHOOLS

The Hon. R.G. KERIN (Deputy Premier): I move:

That the select committee have leave to sit during the sittings of the House this week.

Motion carried.

SELECT COMMITTEE ON THE MURRAY RIVER

The Hon. R.G. KERIN (Deputy Premier): I move:

That the select committee have leave to sit during the sitting of the House today.

Motion carried.

YOUTH COURT (JUDICIAL TENURE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend section 9 of the *Youth Court Act 1993* in order to extend the tenure of members of the principal judiciary of that Court to a maximum aggregate term of 10 years.

The Youth Court was established by the *Youth Court Act 1993* in accordance with recommendations made by the Select Committee of Parliament on Juvenile Justice in 1992 and 1993.

Under section 9 of the *Youth Court Act*, judges of the Youth Court are District Court judges who have been designated by proclamation as judges of the Youth Court. Magistrates of the Youth Court are members of the Magistrates Court who have been designated by proclamation as Magistrates of the Youth Court.

Section 9 distinguishes between those magistrates or District Court judges who are occupied predominantly in the Youth Court (called members of the Youth Court's 'principal judiciary') and those who are available, by virtue of their designation, to perform the duties of Youth Court magistrates or judges if required but who are not occupied predominantly in the Youth Court (called members of the Youth Court's 'ancillary judiciary').

The distinction is made in order to place a limit on the period of office of members of the principal judiciary of the Youth Court. No limit is placed on the office of members of the ancillary judiciary, as their service in the Youth Court is by definition occasional and temporary.

Section 9 provides that members of the principal judiciary may hold office for an aggregate of 5 years in total. Only if a judge or magistrate is one of the first members of the Court may that term be extended, by proclamation, to an aggregate of 10 years.

This limit on the period of appointment of Youth Court magistrates and judges is based on a provision in the draft Youth Court Bill recommended by the Select Committee on Juvenile Justice. The reason given for the limit on tenure by the Minister introducing the Bill, the Hon M J Evans, was that rotation of judges had been a unanimous recommendation of the Select Committee, to ensure

turnover in judges of the Youth Court, and to give them exposure to a wide range of experiences, including experience in adult courts.

While this may have been the reason for the provision, I note that the Committee published no explanation for it. Indeed it made no reference to the issue of judicial tenure in any of its three reports.

There are presently two District Court Judges who are members of the principal judiciary of the Youth Court—Senior Judge Simpson and Judge Jennings—neither of whom are first members of that Court.

The *Youth Court Act* does not permit either of the present judges of the Youth Court to serve more than an aggregate of 5 years in that jurisdiction. When their respective five year terms expire, the present judges will cease to be members of the Youth Court's principal judiciary and revert to their positions as members of the District Court, with resource implications for that court and to the detriment, in terms of loss of specialist judicial expertise, of the Youth Court.

Generally speaking, one should seek to engage judges and magistrates who are suited to the Youth Court. It is not just a matter of trying to find a judge or magistrate from existing officers to take on the Youth Court job. (They cannot, incidentally, be compelled to transfer to the Youth Court and, if that were to be the position, one would have to doubt the value of a judge or magistrate in the Youth Court jurisdiction who had to be compelled to sit there.) Clearly, if the Government is required to appoint a new judge or a new magistrate to the Youth Court every 5 years, there will soon be a surplus of judges in the District Court and magistrates in the Magistrates Courts, all entitled to remain as judges and magistrates until age 70 years and 65 years respectively. This would represent a substantial cost to future Governments in South Australia. So, while it may be desirable to have a regular 'turnover' of judges and magistrates in the Youth Court, and that is not something which is conceded, there develops a severe logistical problem in the medium to long term if one adheres to the principle of appointment of all judges until age 70 years and all magistrates until age 65 years. There must, therefore, be a compromise of the objective of regular 'turnover' of Youth Court judicial officers.

If appointments to the Youth Court principal judiciary are to be for a fixed term, that term should be sufficient to allow the development, as well as the exercise over a worthwhile period, of a specialist Youth Court judicial expertise. The Government's view is that a judicial term of 5 years cannot achieve this. In the absence of reliable data on the efficacy of other periods of office, we have recommended the substitution of a 10 year term.

I introduce this Bill as a matter of urgency to facilitate the extension of the term of appointment of Judge Barry Jennings, whose term of office as a member of the Youth Court's principal judiciary is due to expire in April 2001, having then served the current maximum of 5 years.

Judge Jennings is a valued member of the Youth Court judiciary, whose contribution to juvenile justice in this State is outstanding. Unless the *Youth Court Act* is amended to allow more than a maximum 5 year term, he will not be able to continue his work in the Youth Court but must return to the District Court bench and a new Youth Court judge must be appointed. His specialist talents in the Youth Court jurisdiction will be lost.

The Bill seeks to provide an immediate, and possibly temporary, remedy to this problem by extending the maximum term of office for members of the principal judiciary of the Youth Court from 5 years to 10 years. This will affect not only Judge Jennings but all present and future appointments to the principal judiciary of the Youth Court.

However it is the Government's intention to proceed, independently of this amendment, with a review of fixed terms in the Youth Court. The review will address how best to achieve judicial independence in the Youth Court, assessing the need, if any, for some flexibility in judicial appointments to this high volume specialist court. It will also address the position of existing magistrates and judges in the Youth Court should the limit on tenure be removed.

Clearly, such a review cannot be undertaken, nor legislation resulting from it introduced, before April 2001, when Judge Jennings' term expires. As time is of the essence, this amendment is confined to extending the existing maximum fixed term of appointment for members of the principal judiciary, leaving the broader issues to be dealt with following an overall review of judicial tenure in the Youth Court.

I commend this bill to honourable members.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 9—The Court's judiciary

This clause amends section 9 of the Act by substituting a new subsection (9) that has the effect of increasing the term for which a person can be a member of the Youth Court's principal judiciary from 5 years to 10 years (including a series of terms that aggregates 10 years).

Mr ATKINSON secured the adjournment of the debate.

EXPIATION OF OFFENCES (TRIFLING OFFENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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.

The expiation system is a convenient and simple way of dealing with minor regulatory offences. In most cases, the process is a matter of great convenience to the general community as a way of avoiding the time and expense of a court hearing. More offences in quantitative terms are dealt with by the expiation system than are dealt with by the traditional court system.

However, there is certainly a perception, both in this State and in other jurisdictions, that the ease with which enforcing officers may issue an expiation notice has had a net widening effect in that there is a lessening of the use of cautions or warnings instead of formal action. This in turn may lead the public to believe that the expiation system is unjust or is a revenue raising exercise—or both.

There are no formal mechanisms in place in the relevant legislation for dealing with this problem. Indeed, it is a difficult problem to solve completely. But that does not mean that an attempt should not be made. This bill proposes a series of amendments to the umbrella legislation—the *Expiation of Offences Act*—which are designed to achieve the following objectives:

An expiation notice should not be issued for an offence that is trifling; and

The issuing authority must, on the application of a person to whom an expiation notice has been issued, at any time before the expiation notice becomes an enforcement order, review the circumstances under which it is alleged that the offence the subject of the expiation notice was committed in order to determine whether the allegation, if established, would constitute a trifling offence; and

The decision whether or not an offence is trifling at these levels is not reviewable by any court, but, of course, the person concerned may choose to take the matter of trifling or not to the Magistrates Court by electing to be prosecuted in the normal way; and

If the issuing authority determines that the allegation, if established, would constitute a trifling offence, it must withdraw the notice.

The meaning of "trifling" is well established in law. It should be emphasised that the decision by a court of whether a matter is trifling or not is not susceptible of flat specific rules, but depends on the particular offence concerned, the interpretation of the statute concerned and a proper balancing of social interest. By way of an indication, a summary of the law has been stated in a sequence of decisions of the Supreme Court (notably *Mancini v Vallelonga* (1981) 28 SASR 236, *Hills v Warner* (1990) 155 LSJS 397 at 401 and *Daniels v Cleland* (1991) 55 SASR 350 at 353) as follows:

An offence is not trifling if it is a typical offence of the class prescribed;

Where the breach is deliberate it can rarely be characterised as trifling;

An offence may be trifling where it is merely technical, casual or inadvertent and there was no deliberate intention to commit a breach of the statute;

An offence may be held trifling where there were compelling humanitarian or safety reasons for doing what was in fact done;

It is not appropriate, in determining the question whether an offence is trifling, to take into account factors other than the immediate circumstances of the offence itself, as opposed, for example, to circumstances personal to the offender.

Consultation on the first draft of the bill produced a significant consensus that there was a need to give some guidance to issuing authorities and authorised officers as to the meaning of "trifling" in the context of this bill so as to promote as much uniformity and consistency as possible and so as to minimise conflict between members of the public on the one hand and issuing authorities and authorised officers on the other hand if and when the question arises between them. There was also a general view that the law set out above was not wholly appropriate to the very limited question of whether an expiation notice should have been issued instead of the alleged offender being given a warning or caution. It was therefore necessary to adapt and codify the general law about what is "trifling" and what is not for the guidance of authorities and members of the community alike. In addition, it was necessary to make the list as exhaustive as possible for the sake of certainty. The result is the principles listed in what is proposed to become s 4(2) of the Act. The definition is only for the purposes of this Act, and only for the purpose of determining whether or not an expiation notice should have been issued in the first place. It does not bind any court before which a matter may be argued as having been "trifling" in character.

Some consideration was given to the question whether it was therefore necessary to replace the word "trifling" with some other word—such as "minor". In the end, it was decided not to do so. First, the word means what the statute says it means—no more and no less—as the definition is intended to be exclusive. Second, insofar as there is discretionary room within the definition, it already uses the words "petty", "trivial" and "technical". The word "minor" seems not only superfluous, but also gives a flavour which would seem to detract from the narrow compass of the word employed.

The bill makes it quite clear that none of the decisions contemplated by this amendment may be the subject of any appeal, judicial review or court proceedings whatsoever. This measure is not intended to give everyone who receives an expiation notice another opportunity to litigate a grievance all of the way. The issuing authority or the issuing officer do not have to conduct a hearing or provide the rights, procedural or otherwise, that go with any more formal administrative hearing. This additional right to request consideration is not intended to become another formal and costly burden on authorities. However, it should be noted that the rights of the person who receives the expiation notice are fully preserved. If an application for this new form of review fails, the recipient retains the right under s 14(3)(a) of the Act to argue before a court that the expiation notice should not have been given in the first place. So the right to judicial review of the decision, which exists at present, is retained unaffected by this additional proposed system of review.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement by proclamation.

Clause 3: Amendment of s. 3—Application of Act

This clause allows the regulations to exclude a class of offences from the application of the provisions of the Act relating to trifling offences.

Clause 4: Amendment of s. 4—Interpretation

This clause defines what is a trifling offence for the purposes of the Act. An offence will not be regarded as trifling unless it falls within one of three categories, namely, the offender committed the offence for compelling humanitarian safety reasons, the offender could not have reasonably averted committing the offence or the offender's breach was merely a technical, trivial or petty breach.

Clause 5: Amendment of s. 6—Expiation notices

This clause provides that a person authorised to issue expiation notices on behalf of an authority should not issue a notice for an offence that is trifling.

Clause 6: Insertion of s. 8A

This clause provides a mechanism for review of an expiation notice by the relevant issuing authority if the alleged offender believes that an offence to which the notice relates was trifling. Such an application can only be made up to the point at which the issuing authority issues its certificate for enforcement in respect of the offence. An alleged offender who pays any sum or applies for relief on an expiation notice in respect of a particular offence cannot subsequently make an application for review under this section in relation to that offence. If the issuing authority is satisfied that the offence is trifling, it must withdraw the notice and no further expiation notice may be issued in respect of the offence.

Clause 7: Insertion of s. 18B

This clause provides that decisions made by issuing officers or authorities as to whether an offence was trifling are final and not subject to any form of review (but this will not remove a person's right under section 14 to have an enforcement order reviewed on the basis that the relevant offence was trifling and that the expiation notice should therefore not have been issued in the first place).

Mr ATKINSON secured the adjournment of the debate.

SANDALWOOD ACT REPEAL BILL

The Legislative Council agreed to the bill without any amendment.

SOFTWARE CENTRE INQUIRY (POWERS AND IMMUNITIES) BILL

The Hon. J.W. OLSEN (Premier) obtained leave and introduced a bill for an act to facilitate the Second Software Centre Inquiry by conferring evidentiary powers and immunities; and for other purposes. Read a first time.

The Hon. J.W. OLSEN: I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

The DEPUTY SPEAKER: I have counted the House and, as there is not an absolute majority of the whole number of members of the House present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

The Hon. J.W. OLSEN: I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Is leave granted?

Mr LEWIS: No.

The DEPUTY SPEAKER: Leave is not granted. The Premier.

The Hon. J.W. OLSEN: The bill deals with the powers and immunities of the inquiry to be conducted by Mr Dean Clayton QC into matters surrounding the Cramond inquiry. The inquiry was established in response to a resolution passed by the House of Assembly on 1 March 2001. By virtue of the resolution, the House of Assembly called on the Premier to establish an inquiry to be headed by an independent senior counsel and assisted by a public servant of high standing to inquire and report into the following matters associated with the inquiry of Mr J.M.A. Cramond into allegations concerning the now Premier in regard to Motorola:

- determine whether material evidence, written or oral, was not supplied to Mr Cramond and the reasons it was not supplied;
- determine whether any oral evidence given to the Cramond inquiry was misleading, inaccurate or dishonest in any material particulars; and
- determine whether any person or persons did or failed to do anything which caused relevant evidence not to be presented to the Cramond inquiry or caused inaccurate, misleading or dishonest evidence to be given to the Cramond inquiry.

The resolution also called upon the Premier to ensure that the inquiry has the powers to subpoena documents and

witnesses to take evidence under oath and called on the Premier to report to the House on 13 March 2001 regarding the names of the persons to be appointed and the commencement date of the inquiry. When the resolution was being considered on 1 March, the House made its position clear that this inquiry should not be a royal commission. Speedy finalisation of this issue is sought.

On 13 March 2001 the Premier announced that, in accordance with the resolution, Mr Clayton QC had been appointed by the Crown Solicitor to undertake the inquiry with Mr Richard Stevens assisting. The proposed terms of reference for the inquiry were set out in the motion. Therefore, the only issue still to be addressed in relation to the resolution is the call on the Premier to ensure that the inquiry has the power to subpoena documents and witnesses to take evidence under oath.

While the government has done all it can to cooperate, it cannot give Mr Clayton QC the power to subpoena documents and witnesses to take evidence on oath. It was the government's view that the inquiry should proceed and, if Mr Clayton informed the government that he was having difficulty taking evidence or requiring production of documents, the government would then address that issue at that time. However, some members of the opposition have attempted to undermine the inquiry by creating a sideshow about some of his powers.

In the light of that, the government has taken the view that parliament should be requested to enact this legislation to put any suggestions about the inquiry's powers to rest. Therefore, this bill provides a legislative framework for this to occur. The bill will give Mr Clayton QC the powers necessary to conduct the inquiry without setting up or introducing the full powers of a royal commission. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Clause 3 designates a number of provisions under the *Ombudsman Act 1972* as relevant provisions and imports them into the Bill. The relevant provisions will apply to the Inquiry, as if the Inquiry were an investigation of the Ombudsman under the *Ombudsman Act 1972* and the person conducting the Inquiry is equated to the Ombudsman for those purposes. The relevant sections of the *Ombudsman Act 1972* are sections 18(2) and (3) and (6), section 23 and section 24.

Section 18 of the *Ombudsman Act 1972* deals with the procedure for an investigation, section 23 deals with the right of entry and inspection and section 24 sets out a number of offences dealing with obstruction.

Clause 4 of the Bill inserts a power to require the attendance of witnesses. An authorised person (being the person conducting the Inquiry, a person assisting in the conduct of the Inquiry, or the secretary to the Inquiry) may issue a summons requiring a person to appear before the Inquiry at a specified time and place to give evidence or to produce evidentiary material (or both). Where a summons requires the production of evidentiary material, it can stipulate that the material be produced to an authorised person nominated in the summons. Clause 4(3) will allow the evidence of a person appearing before the Inquiry to be taken on oath or affirmation.

Clause 5 of the Bill deals with the obligations on a person to comply with a summons; to give evidence on oath or affirmation, and to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief. If a person refuses to comply with a summons, refuses to give evidence on oath or affirmation, or refuses to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief, the Supreme Court may, on the application of an authorised person, compel attendance of the person before the Court to give evidence or produce evidentiary material.

Subclause (2) provides that a person who, without reasonable excuse, refuses or fails to comply with a summons, refuses or fails to give evidence on oath or affirmation, or refuses or fails to answer questions relevant to the Inquiry to the best of the person's knowledge, information and belief, is guilty of offence.

Clause 6 sets out the privileges and immunities that apply to the Inquiry. The person appointed to conduct the Inquiry, and any person who appears before it, has the same protection, privileges and immunities as if the Inquiry were proceedings before a Supreme Court Judge.

The Government is keen to ensure that the spirit of the resolution is honoured and that there can be no question about the capacity of Mr Clayton QC to get to the truth. This Bill gives him all necessary powers to enable him to achieve that objective.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

This clause contains a number of definitions for the purposes of the Bill.

The Inquiry means the Second Software Centre Inquiry into matters surrounding the first Software Inquiry by Mr J.M.A. Cramond established in response to a resolution passed by the House of Assembly on 1 March 2001.

An authorised person is the person appointed by the Crown Solicitor to conduct the Inquiry, or a person appointed to assist in the conduct of the Inquiry, or the secretary to the Inquiry.

Evidentiary material is defined to mean any document, object or substance of evidentiary value or possible evidentiary value to the Inquiry.

Clause 3: Application of certain provisions of Ombudsman Act 1972 to Inquiry

Sections 18(2), 18(3), 18(6), 23 and 24 of the *Ombudsman Act 1972* apply to and in relation to the Inquiry, as if—

- the Inquiry were the investigation of an administrative act by the Ombudsman under the *Ombudsman Act*; and
- the person appointed to conduct the Inquiry were the Ombudsman.

Section 18 of the *Ombudsman Act* sets out the procedures of the Ombudsman in relation to an investigation by the Ombudsman of an administrative act. Section 23 of that Act gives the Ombudsman the power to enter an inspect relevant premises or places and anything in those premises or places. Section 24 of that Act creates offences relating to the obstruction of the Ombudsman acting under the aegis of that Act.

Clause 4: Power to require attendance of witnesses, etc.

An authorised person may—

- issue a summons requiring a person to appear before the Inquiry at a specified time and place to give evidence or to produce evidentiary material (or both); and
- administer an oath or affirmation to a person appearing before the Inquiry.

A summons to produce evidentiary material may, instead of providing for production of evidentiary material before the Inquiry, provide for production of the evidentiary material to an authorised person nominated in the summons.

Clause 5: Obligation to give evidence

If a person refuses or fails—

- to comply with a summons issued under clause 4; or
- to make an oath or affirmation when required to do so by an authorised person; or
- to answer a question on a subject relevant to the Inquiry to the best of the person's knowledge, information and belief,

the Supreme Court may, on application by an authorised person, compel the attendance of the person before the Court to give evidence or to produce evidentiary material for the purposes of the Inquiry.

A person who, without reasonable excuse, refuses or fails—

- to comply with a summons issued under clause 4; or
- to make an oath or affirmation when required to do so by an authorised person; or
- to answer a question on a subject relevant to the Inquiry to the best of the person's knowledge, information and belief,

is guilty of an offence and liable to a penalty not exceeding $10 000.

Clause 6: Privileges and immunities

The person appointed to conduct the Inquiry, and any person who appears before the Inquiry as a witness, has the same protection, privileges and immunities as if the Inquiry were a proceeding in the Supreme Court before a Judge of that Court.

Mr CONLON (Elder): The opposition will support the government's bill but it is necessary for me, having heard the Premier's second reading explanation, to make some comments on the attempt to rewrite history in this place. The government was required by this parliament to establish an inquiry with the proper powers. It established an inquiry, but did not give the proper powers and at no stage told this House that it had not in fact given any powers to the inquiry. In fact, it was only upon my questions to Mr Clayton, QC that I learnt that there were no powers. Not only were no powers given, but the Premier tried to hide that fact from the House. I raised this issue with the Premier and we were told that, despite the resolution of the House, it would not be given the appropriate powers.

The Premier did not suddenly see the light on the road to Damascus on this. What did occur was that I, as the Premier well knew, spoke to the Independents and secured their support for a private member's bill that would give the committee proper powers. The Independents indicated to me that, with their support, this parliament would remedy the errors of the Premier if he was not prepared to do so himself. Let us make that absolutely plain.

What we see here today is something the Premier and the government have been dragged to kicking and screaming, and the government has hid in every possible corner it can to try to avoid a proper inquiry into this matter, but the resolution of the opposition and the Independents made that impossible. It is very difficult for the Premier today to do what he should have done first four weeks ago, then three weeks ago and finally last week, but I am glad we have finally got him at the starting line today.

As a result of this bill and an amendment I understand that the Premier has filed and will make to it in the committee stage, the bill that I introduced here last week will be allowed to lapse—or whatever is the proper procedure for that, and I look forward to being instructed on that. I will say no more at this point. I do have one or two questions that I will address in the committee stage about the import of some of the drafting, in particular the drafting that calls up the provisions of the Ombudsman Act in giving power to the inquiry, but with those comments, I will help to facilitate this matter as speedily as possible.

Mr LEWIS (Hammond): I am astonished that not one other member of this chamber has given what appears to be any consideration whatever to the reason why this legislation is considered necessary. Certainly, not one other member of this chamber, apart from the Premier and the member for Elder, think it sufficiently important to contribute to a debate about the necessity to have an inquiry which at last gets to half of what the first inquiry should have got to at the outset. That half is, of course, to establish the facts. It was not possible for Mr Cramond to do that: he did not have sufficient power to do that.

The member for Chaffey, in her naivety, believed that what she was sold by the government as the inquiry by retired chief magistrate Cramond would be capable of doing what was considered necessary at that time. It was never going to be possible for that inquiry to either find adversely against the Premier and the practices of government, or find in favour of them in a conclusive manner. I said so at the time, but nobody bothered to report it, and nobody will bother to report what I am saying today, because I know that the government—that is, the ministry of truth that is to be found in the Premier's office; not in the department of Premier and Cabinet; that is, all the journalists who are employed at great expense to the taxpayer—has already put a spin on this measure as it comes to the House today, so that the journalists all feel comfortable and believe they are fully briefed and aware and that the homogenisation of the message that will go to the public of South Australia will not reflect the views of either this chamber or the other place, whatever they may be, but will reflect what the government and its minders and spin doctors in the Premier's office want the public to hear.

That is a tragedy, because the two are not the same. For instance, I will bet that nobody in the Premier's office has bothered to consider the evidence that I believe is relevant to the reasons why we are having to do this today. It is because the Premier personally did not want the measure of scrutiny that would otherwise have been possible to be provided by Mr Cramond to the matters, as limited as they were, on which it was his responsibility to report back to the parliament. Those matters were limited not only in the scope of inquiry and the basis upon which they could be made but, equally importantly, limited because of the amount of time Mr Cramond was given and the period of the year through which he had to make them. It was from early December to the end of January—in other words, when everyone was away at Christmas.

Mr Cramond did not have sufficient power; he did not have the powers that we are about to give Mr Clayton QC. He did not have sufficient power to examine witnesses in a way which ensured that the information they provided to him was truthful, and he did not have sufficient power to compel them to provide information about matters of which they had knowledge and about which he did not ask explicit questions.

He could not summon anybody to appear before him. Of course, the Premier, the Attorney-General and any ministers who had any say in this matter said that there was an instruction for full cooperation, but that was after the bloody shredders had run hot and melted down; after all the dockets had been called in and carefully scrutinised by people who had no lawful right to have access to government papers; and after proper (as it were entirely improper indeed) scrutiny and sanitisation of that information had been undertaken.

At least, that is the story that members of the Liberal Party who were in some way or other in a position to know some details about it, told me while I was still a member of the Liberal Party. It reflected badly on the reputation of that party of which to that point I had been proud, although not as proud as I was at the time I entered this place, to be a member. It reflected badly on my own standing, I discovered, to my continual discomfort throughout the early part of the year.

It is therefore relevant to remind ourselves that, had the government and Premier been fair dinkum, and had the Labor Party had half a wit, and had the member for Chaffey been prepared to listen to some sensible counsel about the necessity for adequate powers for the inquiry which she said she would get set up (otherwise she would not continue to support the government) and which the government conned her in allowing to be set up—had they all been prepared to stand back, take a deep breath, examine the situation and determine how once and for all they could put the matter to bed and behind us as a parliament and state—they would have agreed with me then and provided Mr Cramond with these powers such as we propose today.

I am not absolutely sure. I think it was arrogant of the Premier to come in here, move the suspension of standing orders and then—this is the arrogant part—stand up and, with the House agreeing for all stages to be debated forthwith

without delay today, ask to incorporate the second reading explanation in *Hansard* without his reading it. For God's sake, how the hell was I supposed to know what he was talking about if he never delivered it and could not get it until the *Hansard* was printed? Even then, the Premier decided to truncate his remarks, not at the point in the speech that was circulated onto the desks from that point forward, but a page forward of that point. He left out some of the debate about the need for provisions in some of the clauses was included. He stopped before page 3 and read only the first two pages.

Pages 3 and 4 are the rest of the second reading explanation with which the Premier did not provide us. Pages 5 and 6 are the explanation of clauses, but we have not heard what they are. It seems to me that no other members in this place give a tinker's cuss.

Mr Conlon: Well, I do.

Mr LEWIS: Why don't some of the other members of the Labor Party share the member for Elder's concern?

Mr Conlon interjecting:

Mr LEWIS: That may be to their eternal displeasure. It is not that you are unworthy of trust but that they are equally paid to represent the people who elect them to this place. They ought to take an interest in the legislation which is passed through this place, what it means and what precedents it sets—and most certainly this does; it is very much legislation that sets precedents. It strikes me that it is essential for the Premier to say things on the record, and even after he has said things on the record he still reneges on them.

I am not talking about anything that Mr Cramond has said. I will quote from *Hansard* of Wednesday 28 June 2000 to demonstrate that point. At that time in debate on the Alice Springs to Darwin railway legislation I sought a commitment to have the project examined by the parliament to see whether the parliament and/or a committee to which the parliament could delegate that responsibility could find it to be in the public interest to proceed with the project in its present form and, if there were any doubts about aspects of it, that could be mentioned before we got too far down the track, and it could be put in the public domain. That is when I set out to move to include a new clause in the Alice Springs to Darwin railway legislation that referred the project to the Public Works Committee for examination.

The Premier said that he did not support the amendments being inserted by the member for Hammond. He said:

> I just reiterate for the member for Hammond that. . . I have given a clear, specific and unequivocal commitment to the parliament as it is reporting to the Economic and Finance Committee during the construction phase.

To my mind, that does not address all the concerns which I and other people had. He then said:

> What we are attempting to do is to get a contract close in the next few days. . .

Here we are now in April, and we have only just passed another piece of legislation. We were told then that we were doing it at the 11th hour and 59th minute. I remind the Premier that was the phrase which he also used on Wednesday 28 June last year. He said it was not only the 59th minute: I think he said it was the 59th second as well. However, in less than half a *Hansard* column after the Premier had spoken, I got up in a conciliatory tone and said:

> I understand the Premier's view. The Premier is asking me to trust him.

I then said:

> I am asking the Premier to trust me.

That is no more or less than I am entitled to believe he would do, because I have never done anything which he could point to and which would indicate that trusting me was an unworthy thing to do and a misplaced trust. After a minute or so, he got to his feet again and said:

> I want to comply with the wish of the members, but I also do not want at this 11th hour of the negotiation with the consortium to imply in any way to them that there might be another hurdle we have to jump over for a successful project.

There was no hurdle implied in what I sought to do. The Leader of the Opposition then invited me to interject by asking:

> Is the member for Hammond prepared to accept the Premier's word on this about a regular briefing of the Public Works Committee?

I tried to say, 'I don't really trust him,' but the Chairman of the day called 'Order!' In any case, after the Leader of the Opposition had sat down, I made myself clear, as follows:

> The predicament that confronts the House is not of my making, and members of the Public Works Committee already know that.

In any case, after I had made those remarks which included:

> We find that that act—

that is, the Alice Springs to Darwin railway measure, which we had already passed prior to June last year—

> now needs amendment, and that is why we are here now, to amend it in order to bring it into line. Clearly, the government's advisers had not thought it through, and that has happened in more than one instance. We will be doing something about the electricity leasing legislation shortly to bring that into line. I am merely making the point that, whilst I am prepared to accept the Premier's assurances in this instance, especially given the Leader of the Opposition is prepared to do likewise, some better demonstration of trust in the institution of parliament and its committees needs to be provided by the government if it wants to recover its credibility in this and the other chamber on that point. When that happens, I suppose I will be less cynical and sceptical of what is said and done.

I say again 'ditto' to that. Then, when the Premier rose to speak a couple of minutes later, he said:

> I thank the leader and the member for Hammond for that. The good faith will be met and honoured as far as the Government is concerned. We will facilitate site visitation. The point that people wanted me to put on the record, I am happy to do that.

As it turns out, he is not. The Premier has reneged on that. He continued:

> The protracted nature of the negotiations has meant that it rolled onto the 11th hour and 59th minute or whatever the case may be—

and this is the Premier speaking—

> That is simply a matter of where I am in the hands, according to the legislation, of the AARC and its Chairman, Rick Allert, and officers who have been negotiating on behalf of the government with the group.

Then he said—and I want to remind the House that this is the Premier speaking:

> I thank members for their confidence and faith, and it will not be misplaced.

As the Minister for Water Resources said last week, 'Wacky do!' It is very much misplaced, because last week in that debate the Premier said he was not into facilitating the site visitation because that would cost money, and he did not have any money to put towards it. Today we find that all the arguments used to convince the member for Chaffey that what retired Chief Magistrate Cramond was to do would be sufficient to satisfy the parliament as to what had happened. No such thing happened. Retired Chief Magistrate Cramond said in his report that many things reflected on good govern-

ment, quite apart from what he had to say about the Premier's conduct. I quote Mr Cramond, as follows:

> My report refers to a number of instances which adversely reflect on good government. I would have preferred to have extracted those passages, analysed them and further presented them in a more comprehensive segment of the report. Time, however, has not permitted this to occur.

He was talking not just about the administrative processes of government but about the decision making processes of government which are separate from the administrative processes. He was talking about both those things and maybe other things as well. It needs to be remembered that the Attorney-General, at the time he was appointing Mr Cramond, told him in his letter of 10 December, that is, the letter he wrote to Mr Cramond:

> Whether or not the then minister, now Premier, misled parliament intending to do so is a matter for the parliament. Your responsibility is to determine the facts.

Mr Cramond was told he was given access to any and all government documents and papers which might be necessary by him to do that work. He was told that, and so were we. But what do we know? That was not so. Yet the Premier tells me and this Chamber, 'Trust me.' Why should we? Moreover, the Attorney told him he could ask for government officers and employees to make themselves available to assist him in his inquiries and any other people he thought it prudent to interview. He was also told that, if any significant matters came to light which did not reflect on good and proper public administration, they should be identified. We know what Mr Cramond said about that—'I don't have time to do it.'

What we are doing today is not providing time or, indeed, a reference for Mr Clayton to do that, either. It is not good enough for the Attorney-General, the Premier or any other minister or member of the Liberal Party in this place or the other place to say that the prudential management group report covers all that. That is absolute bull. It did not. It focused upon the way in which information was handled within the bureaucracy. It did not focus upon how the information came to get there, and it did not focus upon what was done with any documents that may or may not have been provided to Mr Cramond.

I now turn to the substance of Mr Cramond's findings. He found in most instances that the then minister, now Premier, did not make false or misleading statements. However, in *Hansard* of 21 September 1994 (page 43) the Premier is quoted as saying:

> To my knowledge, no formal or informal discussions have been given to Motorola.

And then Mr Cramond observed in his report:

> As a matter of fact, there had been discussions of an additional incentive.

Time expired.

The Hon. J.W. OLSEN (Premier): In relation to the member for Hammond's contribution, I thank him for at least one aspect, that is, his acknowledgment that the Cramond report said that I did not deliberately mislead this parliament. That was part of the Cramond inquiry report.

Mr Lewis interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.W. OLSEN: This issue has been surrounded by innuendo, dining room talk, bar talk, speculation, rumour, and rumour upon rumour. I am happy to support these powers being given in this way to Mr Clayton. When this matter was raised earlier, I indicated to the then member for Elder that we wanted to avoid a royal commission that would run into millions of dollars and go for an indeterminate period. The member for Elder agreed that that is in no-one's interest in terms of this inquiry. The issue related to the appropriate powers. I will not traverse the history of this, other than to say that we are happy to incorporate those powers for Mr Clayton to undertake this task. As I have said before, I want this matter clarified once and for all.

Members interjecting:

The Hon. J.W. OLSEN: Yes, likewise. The member for Elder raised an issue related to further clarification of immunities for information and evidence being given, and made some suggestions that I am happy to pick up. Those suggestions, which I understand have been circulated to members, would further enhance or at least clarify any submissions. I think the view of the member for Elder was that submissions should be put incorporating a degree of protections that would otherwise be available and I am happy to support that. In that context I commend the bill to the House and look forward to its swift passage through the parliament so that Mr Clayton can simply get on with the job with the powers commensurate with the original resolution of the House.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr CONLON: I have a question, wishing to err on the side of caution. One way in which powers will be given to Mr Clayton QC under this bill is to call up certain provisions of the Ombudsman's Act and those are listed in clause 3. One clause of the Ombudsman's Act that is called up says that investigations will be pursuant to the Act. I make absolutely plain, like the assurance, that that provision will not bring into play the other provision of the Ombudsman's Act, clause 21, which is protection for proceedings in cabinet and which gives a blanket immunity to members of cabinet or cabinet documents. I make absolutely clear that that provision is not called up and will not be relied on by the government in this inquiry.

The Hon. J.W. OLSEN: That is not the intention of the government.

Mr LEWIS: On this clause my remarks and observations continue the concern I was expressing in the second reading. It is this clause as much as any other that deals with them in that it provides for the powers the Ombudsman has in such matters to be applied here. I had said and repeat that I was quoting the Premier, as he was minister at the time. On 21 September 1994 he said, 'To my knowledge no formal or informal discussions had been given to Motorola'. Mr Cramond observed that as a matter of fact there had been discussions of an additional incentive and that if the software centre was established in Adelaide Motorola would be given preferred status in respect of the supply of radio equipment for the radio network project. In fact, we know now that that has happened. The government has not opened up the architecture of the government's radio network to enable any other hardware supplier to be able to compete. It is a straight out monopoly. That is why it is crook.

After some discussion of those remarks about the observations which he made, Mr Cramond, in speaking about the statement made by Mr Olsen (that is, the then minister and now Premier), on page 44—just a page later in his report—says, 'I find that component of Mr Olsen's answer to be false.' On the very next page (page 45) he says:

The approach from Motorola was—

quoting Mr Olsen, the then minister—

no side deals in relation to the development of the main package. The main package stands or falls alone as its own entity.

After a short discussion Mr Cramond then states:

However, Mr Olsen knew—

and I am quoting the report—

that the Australian based officers of Motorola were strongly pressing for the additional incentive to be offered. In my view it was misleading for Mr Olsen to reply as he did.

Mr Cramond was not required to do that. That is why these powers the Ombudsman has are so important, along with the powers to be provided in clause 4 that I cannot canvass at this point. It enables Mr Clayton to go further in examining that aspect of what happened. I suggest that the whole House ought to encourage Mr Clayton to do so, to discover exactly what was going on and why we now have this monopoly.

On page 46, the next page, Mr Cramond offers an opinion:

In respect of the misstatement that I found occurred I am of the view that it was a material misstatement.

It was not inadvertent. He then states:

It denied the opposition of the opportunity of further probing the detail of any understandings between Motorola and the government.

I also wish to place on record for the sake of members, so they will be under no illusions as to where I am coming from in supporting the provisions of this clause, which I believe are probably still not quite adequate, even combined with the rest, when Mr Cramond said in making the observation about the then minister now Premier's answer that:

The answer does not directly address the question.

I could go on, but I will not. I want to simply say, so help us, we are twits in the extreme if we think that it is legitimate to argue that it was too expensive to establish a royal commission—yet that is what we should have had back in December 1998, 2½ years ago. It would have been all over by now and the parliament would have been better informed about this matter, in December 1998. The naive stupidity of some members in this place was sufficient to prevent that from happening in the belief that they would save their own necks and their own jobs and they put that in front of good government. I have seen that happen too many times in the 20 years I have been here.

They made me a scapegoat and, finally, I leave it to the public to judge whether or not I was mistaken on that matter. That is a side issue, not entirely irrelevant to this clause, but this clause in particular sets out to do almost all of the things that I wanted done back in November 1998. It is a pity that it did not happen then and a pity that there is not a bit more oomph in these provisions as they stand. I want the House to know that it is with that measure of qualification that I offer my support and acquiescence to the clause.

Clause passed.

Clause 4.

Mr CONLON: This clause operates to give powers for Mr Clayton to issue summons to make witness and documents appear before him. The Premier previously indicated that counsel will be provided to people representing the government appearing before the inquiry and that the counsel will be paid for. I would like to find out how extensive is that generous act by the government. Will ministers, staffers and ex-departmental officials all be granted counsel and all be paid for by the government?

The Hon. J.W. OLSEN: I will take that question on notice and ascertain from the Crown Solicitor the practice. It will be the normal practice that applies in these cases, and I give an undertaking to the honourable member that I will get a response to him before this matter progresses in another place.

Mr CONLON: If the Premier is going to pay for counsel for the long list of government witnesses (and I am not sure that that should happen), will he be even-handed and pay for counsel instructed by the opposition?

The Hon. J.W. OLSEN: As I have indicated, I will ascertain from the Crown Solicitor the standard practice.

An honourable member interjecting:

The Hon. J.W. OLSEN: No. As it relates to the first and second question, I will ascertain the procedures or precedents, and I undertake to advise the honourable member.

Mr LEWIS: I have heard the Premier say that sort of thing in the House in recent times more than once. I will not hold my breath; I will wait and see. I will give him the benefit of the doubt. Clause 4 is about producing evidentiary material where required so that no-one can dodge the issue. If that evidence still exists it must come out; otherwise it is an offence that someone is committing to suppress it. I hope Mr Clayton will examine why the government decided, and who determined, that the architecture of the government radio network would not be opened up to enable other manufacturers and suppliers, apart from Motorola, to provide the transceivers which hang off that architecture and which must be bought by all the volunteer organisations in this state to make it possible to use the government radio network in order to transmit signals on it on the frequencies that are provided in an orderly and organised manner.

Why is it now that we find ourselves spending, as a state, not just what the government is spending, and that is tens of millions of dollars (it seems more, I am told in recent days) than would otherwise have been the case if we had not accepted the Motorola patented stuff, and that was a decision that was taken in time? It involves not just that $40 million to $80 million extra but the money that now must be found to pay the more expensive costs of buying one brand of communications handsets, receivers and transmitters, etc., for those volunteer groups that must use it to function efficiently. I trust that Mr Clayton will discover why that is so.

The Public Works Committee strongly recommended it and the government simply said, 'Get lost.' It did not bother to give any technical response to the recommendation at all that the Public Works Committee made to this chamber—to this parliament. It just said, 'Get lost.' If Mr Clayton does not set out to do that, I will be more than disappointed. I will be critical of him when his report comes in if he is unable to explain why we have a monopoly supplier when we could have easily opened up the architecture which was not only technologically feasible but which also made sound economic sense in the evidence that we were given in the Public Works Committee.

Clause passed.

Clause 5 passed

Clause 6.

The Hon. J.W. OLSEN: I move:

Page 4, lines 19 to 21—Leave out these lines and insert:

6.(1) An authorised person has, in connection with the conduct of the inquiry, and in respect of any report prepared as part of, or at the conclusion of, the inquiry, the same protection and immunities as a judge of the Supreme Court.

(2) A person who appears before the inquiry, or who provides evidentiary material to the inquiry, has the same protection, privileges and immunities as a witness in proceedings before the Supreme Court.

(3) A legal practitioner who represents a person in connection with the inquiry has the same protection, immunities and obligations as counsel involved in proceedings before the Supreme Court.

This amendment picks up a suggestion that has been put to me. The amendment has been circulated and includes and incorporates those suggestions that were put forward.

Mr CONLON: The opposition supports the amendment. Without going into the long history of this amendment, some of the provisions were suggested by me. With respect to subclause (3), which includes obligations of counsel, I assume that I will not be required to robe up if I visit Mr Clayton.

Amendment carried; clause as amended passed.

Title passed.

The Hon. J.W. OLSEN (Premier): I move:

That this bill be now read a third time.

Mr LEWIS (Hammond): As the bill comes out of committee, it is an improvement on what it was before it went into committee. I commend the member for Elder for whatever part he played, however great or small that may have been, in securing the amendment; and, equally, I commend the Premier for accepting it. I state again my reservations about the ability of this inquiry to do anything more than establish more of the facts than was possible under the restricted powers that Mr Cramond had. That is all it can do. It cannot come to conclusions about those facts.

I want to place on record my dismay at the way in which the Premier's office staff have set out to create the impression that this is a yawn and ought not to warrant too much attention from the media. Not one journalist is in this chamber, yet almost 2½ years ago we could have had these measures incorporated in the provisions of an inquiry and had the consequential report of everything that these measures provide, plus what the government's Prudential Management Group and the Cramond inquiry could have established, and more.

Mr Atkinson interjecting:

Mr LEWIS: Well, we know that he didn't. My point then is that the people of South Australia will be denied adequate information about the nature of this inquiry and the limitations which it, too, has. That is what I see as so sad, because it reflects on the professional capacity of those people to make judgments about what is important and in the public interest.

I know that the big story today will be Harris Scarfes. The Premier knows that and so do his minders; so, if they can treat it as though it were of no great significance and not something which sets any precedent, as far as parliament and its proceedings are concerned, the public of South Australia will be poorer for it and their cynical contempt of us will continue.

Had we taken the trouble to convince them, or had they taken the trouble to listen to the debate, we might have been able to get a message out from here that at least some of us, such as the member Elder, and, I suspect, other members of the Labor Party (though they have not spoken), and I am certain other members of the Liberal Party (judging by what they have said to me over the years), would have been better served than we will be today.

Bill read a third time and passed.

COMMUNITY TITLES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1138.)

Mr ATKINSON (Spence): In 1996 parliament adopted a government bill stopping any new strata titles and substituting community titles. The bill does some housekeeping on the Community Titles Act.

One of the difficulties with two joint owners of a community title dividing a lot into two community titles has been that they become joint owners of each community title created, and then have to transfer their joint interest in the second community title that was intended for the exclusive ownership of the other to that other. The bill dispenses with the need for reciprocal transfers after an allotment division by amending section 23 of the parent act.

When a community title is created, certain areas are specified as community areas, such as the driveway from the street to the units. After the tenants have lived with one another for a while, it may be that one tenant only uses a part of the community area, such as a parking space or a lawn. It may be that the by-laws of the community corporation are then amended to recognise the exclusive claim of one tenant to that community area. Such an amendment would, according to section 36(5) of the act, have to be with the written consent of all the owners of all the lots. Obtaining such consent could be difficult, especially when there are more than 100 lots, as there are at St James Court, Noblet Street, Findon, in my own electorate. Many of the owners of lots at St James Court live interstate and some overseas. If the by-laws are not changed, the tenant asserting exclusive ownership of part of the community area may create strife.

The bill before us allows the developer to anticipate this by having original by-laws which recognise that one or more tenants might have superior rights to certain community areas. The change is achieved by amendment to section 36(5) that now prohibits the making of by-laws giving exclusive use of community property to one occupier, unless all lot owners agree. A community corporation shall continue to be unable to make such a by-law without the written consent of all concerned but, by implication, a developer shall be able to do so without the written consent of all concerned when the by-laws are first made.

When a strata title converts to community title (and as an aside, I think it is good that strata corporations are not compelled to convert), the Registrar General makes an endorsement of the change on the original title. The bill permits the Registrar General to cancel the original certificate of title and issue a new certificate of title as an alternative to endorsing the original title. I presume that the new certificate of title shall be computer generated. Perhaps the minister will be able to answer that question when he responds at the conclusion of the second reading debate. A rewriting of clause 2(4) of the transitional provisions in the schedule of the act effects this change.

The parent act dealt with pre-1968 prescribed building unit schemes which had the character of strata titles or community titles. The amendment before us makes clear that a prescribed building unit scheme will be covered by the act, even though it does not have any stratums, that is, the building did not have one lot situated above another in the plan. When a prescribed building unit scheme is converted to community title, it is important that easements and statutory encumbranc-

es are not extinguished by conversion. Clause 3(4) of the transitional provisions saves easements from extinguishment but not statutory encumbrances. The bill seeks to save those also.

With all real estate, despite documentary title, important aspects of the land can be covered with bricks or soil and their risk or significance lost in the mists of time. In my electorate, the locations of wells that existed when land in Croydon and Allenby Gardens was used for dairy farming and agistment of horses are now forgotten, but every so often a huge hole opens up in someone's back yard as soil subsides, or a cement fence starts to lean forwards as soil moves in a forgotten well beneath the pavement. It is not easy to ascertain from utilities where pipes were laid decades previously.

Clause 2 of the bill amends section 3 of the principal act so that licensed surveyors, hired to oversee a community plan applying to existing buildings, are not liable if they do their best and indicate that they are not certain where the service infrastructure is located in an existing building or buildings. The certificate of community title is not to be invalid for this degree of uncertainty. The opposition endorses the bill.

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for Spence for his contribution and support.

Mr Atkinson interjecting:

The Hon. I.F. EVANS: We have to go into committee because of the amendment standing in my name; but, yes, the certificate of title can be computer generated.

Bill read a second time.

In committee.

Clause 1 passed.

New clause 1A.

The Hon. I.F. EVANS: I move:

Page 3, after line 3—Insert new clause as follows:

Commencement

1A. This Act will come into operation on a day to be fixed by proclamation.

The reason for this amendment is that it was not considered necessary when the bill originated in another place. However, there was an amendment secured to the bill in another place inserting a new clause 2 which clarified the liability of surveyors with respect to the delineation of service infrastructure, something which the member for Spence commented on in his second reading contribution. This amendment will, most likely, require amendment of the regulations under the Community Titles Act and, therefore, a commencement clause is now required for the bill, and hence the amendment.

Mr ATKINSON: The addition to the bill seems entirely sensible, in the opposition's view.

New clause inserted.

Clause 2.

Mr ATKINSON: What kind of service infrastructure might a licensed surveyor miss?

The Hon. I.F. EVANS: That depends on the quality of the surveyor, so the question is theoretically hypothetical. But it could be anything, basically, that is under the ground that a surveyor might miss. My experience of surveyors is that they occasionally miss service infrastructure such as sewerage pipes, and the like. But ultimately it is a matter of what services are underground, if they happen to miss those. I think that addresses the member's question.

Mr ATKINSON: Has this clause been introduced for the purpose of surveying land with buildings which pre-date the intention to convert to community title, or does this clause apply also to freshly built community title units?

The Hon. I.F. EVANS: The advice to me is that it can apply to both.

Mr ATKINSON: It seems a little strange that a block of units is built for the first time with the intention of bringing them under community title and then, almost contemporaneously, the licensed surveyor is unable to say where the service infrastructure is. I can understand that in relation to an old block of flats that has been under a different scheme and is being converted to community title, given that the ground was covered up by the building many years previously, that the location of the service infrastructure has been lost in the mists of time. I mentioned that in my second reading contribution. However, I do not understand why this provision is necessary to exempt a surveyor from civil liability—a pretty strong step—where the building has been freshly completed for the purpose of bringing it under community title.

The Hon. I.F. EVANS: As the member for Spence well knows, when surveyors are called in to survey the services, they are being called in after the event. It is most unusual that a surveyor would be there during the course of the services being laid. Because they are called in after the event there is always that difficulty. There is also the issue that not every block of flats, of course, is built on a piece of land that previously has not been built on, with services underneath it. The demolition of one set of units to be replaced with another or the demolition of a factory to be replaced with units creates issues about where services are. Having spent 15 years in the building industry, and having occasionally ripped up telecommunication cables, even though I was guaranteed that they were not there, I know the issues that relate to where services are meant to be and where they actually are.

Clause passed.

Clause 3.

Mr ATKINSON: My question relates to drafting. It appears to me that the method of drafting which has been used is one that has often been condemned lustily by the Clerks. The same effect could have been achieved by deleting the word 'one' and inserting the word 'two' but, in fact, the whole clause has been torn out—namely, 'two or more allotments owned by different persons'—and substituted with 'one or more allotments owned by more than one person'. Can the minister explain why that technique was used?

The Hon. I.F. EVANS: On the expert advice of Parliamentary Counsel, I understand.

Clause passed.

Clause 4.

Mr ATKINSON: Is it the minister's view that the substitution of the words 'a community corporation cannot make a by-law' leaves the developer free to make such a by-law without the consent of the other unit holders?

The Hon. I.F. EVANS: As the member for Spence knows, that is the purpose of the amendment.

Clause passed.

Clause 5 passed.

Clause 6.

Mr ATKINSON: The clause amends section 144 of the principal act. I am a little curious as to what is achieved by changing this form of words. It was not at all clear to me. The act currently provides:

The Registrar-General may, on payment of the fee prescribed by regulation, examine a plan to be lodged with an application under this act before the application is lodged, to determine whether the plan is in an appropriate form.

Under this bill, the words 'to determine whether the plan is in an appropriate form' are deleted and the words 'and, if he or she is satisfied with the plan, approve it for lodging' are inserted. What is the difference?

The Hon. I.F. EVANS: The member for Spence asks a question that is central to the amendment. This is a point of clarification. As the member knows, the act has been in place now for some years. Some of the amendments are an attempt to clarify the act. This happens to be one of them. There was some question whether the Registrar-General had the power previously to grant preliminary approval. There was some confusion whether that power existed. We have simply moved to clarify that point.

Clause passed.

Clause 7.

Mr ATKINSON: Would the minister explain to the committee what a 'prescribed building unit scheme' is and how it differs from a strata title or a community title?

The Hon. I.F. EVANS: My advice is that they were simply the schemes that pre-dated the introduction of the strata schemes. They are similar principles. That was an early form of them.

Mr Atkinson: What year did strata titles come in?

The Hon. I.F. EVANS: I will have to get the exact date for the honourable member and forward that information to him in due course.

Mr ATKINSON: I notice that the reference is to pre 1968 arrangements, but when I looked for the Strata Titles Act in the consolidation it was a 1988 act, so I was curious as to when it first came in.

The Hon. I.F. EVANS: If the honourable member does more research he might find that they were introduced under the Real Property Act in the late 1960s, although I might stand corrected on that.

Mr ATKINSON: My next question is about statutory encumbrances. The transitional provisions of the Community Titles Act provide that upon conversion of a title to community title all registered encumbrances, except easements, are extinguished. Given that this parent act was proposed by the current government, what was the government's policy in ensuring that all registered encumbrances, except easements, were extinguished upon conversion to community title; and, now that statutory encumbrances are also to be exempted from extinguishment, what kind of encumbrances will continue to be extinguished by the operation of the Community Titles Act upon conversion of a title to a community title?

The Hon. I.F. EVANS: That is set out in the second reading speech in relation to the statutory encumbrances, in that—

Mr Atkinson: Can you refresh our memory?

The Hon. I.F. EVANS: I can refresh the member's memory of the second reading speech, if he so wishes. The judgment was made that, as the statutory encumbrances would be extinguished because the act defines encumbrances as including a statutory encumbrance, there was no justification for this, particularly given that the statutory encumbrances are not extinguished where prescribed building unit schemes are converted under the Strata Titles Act or where there is traditional land division under the Real Property Act. Therefore, clause 7(c) of the bill amends the schedule so that statutory encumbrances would not be extinguished.

Mr ATKINSON: I am trying to bring the minister to the trough so that he might drink of it, and I am having great difficulty in getting him to answer the question. The nub of the question is: what is the policy behind extinguishing encumbrances upon conversion to community title? Why is the government doing that and not leaving the encumbrances in place upon conversion to community titles? It seems to me to be a simple question, to which the minister, as a cabinet minister, should have the answer.

The Hon. I.F. EVANS: As the member for Spence well knows, the reason for that is that they are no longer relevant to the land use.

Clause passed.

Title passed.

Bill read a third time and passed.

LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) BILL

The Legislative Council agreed to the bill without any amendment.

SITTINGS AND BUSINESS

The Hon. I.F. EVANS (Minister for Environment and Heritage): I move:

That standing orders be so far suspended as to enable Other Motions set down for Thursday 5 April to be taken into consideration forthwith.

The ACTING SPEAKER (Mr Williams): I have counted the House and, as there is not an absolute majority of the whole number of members present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

MARALINGA LANDS

Mr HILL (Kaurna): I move:

That this House—

(a) expresses its concerns over the clean-up of radioactive waste on the Maralinga lands;

(b) calls on Senator Nick Minchin to release publicly all documents relevant to the clean-up; and

(c) calls for the federal government to arrange for an independent assessment of the clean-up.

This motion deals with the clean-up of the Maralinga lands. Today I am full of regret that I must move this motion. I regret that the security of the people and environment of the Maralinga lands is at serious risk. I regret that the security of the wider environment and population of South Australia is also at risk. I regret that over $100 million is being paid in good faith for a clean-up which has been improperly done. And I most sincerely regret that we are in the position where we are forced to question the integrity of the processes of our federal Liberal government.

Considering the recent push by the commonwealth to divest itself of the responsibility for these lands, and thus the responsibility for any ramifications of an inadequate clean-up, it makes a close examination of the integrity of the clean-up imperative. In light of these grave concerns about the clean-up, I fear our biggest regrets may come if this federal government is ever allowed to establish a disposal site for higher level radioactive wastes in our state.

Today I want to go on record detailing some of the concerns that I have about the clean-up at Maralinga. They are numerous and they are serious. If the federal government is allowed to return responsibility for the lands to the South Australian government and the Maralinga Tjarutja people, then the risk for South Australians is far too great to contem-

plate. We must not be left holding the can of radioactive worms. South Australians already carry far too much of the burden for England and Australia's past nuclear mistakes. The weight of my concerns demands the full support of all the members of this place for this motion. We must let the federal government know that this parliament will not allow South Australia to bear the responsibilities for its inadequacies.

Mr Alan Parkinson, a nuclear engineer with more than 40 years' experience working in the nuclear industry, and a proponent of the industry generally, has a great deal to say about the Maralinga clean-up. He has worked for a number of nuclear agencies and private companies, including the Commonwealth Department of Primary Industries, advising on the specific clean-up. He has spoken publicly and written a number of submissions detailing the inadequacies of that clean-up, and I am in possession of a couple of papers produced by that gentleman. I would have read them into *Hansard*, except that it would take some two or three hours.

From management structures to detectable ineptitude, from poor planning to a lack of transparent public information processes, the inadequacies at the Maralinga clean-up span the full range of things that can go wrong on a project. From the outset, the distinction between project regulator, manager and government bureaucrat was unclear. Senator Minchin himself made contradictory public statements about who was in charge and who was regulating the project. Contradictory statements were also repeatedly made about the codes of practice used to proscribe expected outcomes. The lack of clarity on who was managing and regulating the clean-up, combined with uncertainty about the codes of practice to be followed, ensured that the only management certainty was that there would be great confusion.

Two extremely serious technical concerns indicate the distinct possibility for future safety issues. The first was the inadequate dust suppression measures taken during the process. Although those in charge say that the dust allowed to escape during the clean-up was not in measurable quantities, this is not true. In fact, thousands of tonnes of plutonium contaminated dust were allowed to escape into the wider South Australian environment. This means that today there is the possibility that we are breathing in Maralinga dust particles contaminated with one of the most dangerous substances known to humanity.

To put this into perspective: if one kilo of pure plutonium was equally and appropriately distributed into every living person, the entire human race would die. The substance is that deadly. The government admits that at least two kilos of plutonium is buried at Maralinga. This burial process is the source of my greatest concern. We know there is no genuinely safe way to dispose of radioactive waste, but there are better and worse ways to deal with it. Originally, it was planned that the Maralinga waste was to be dug up and subjected to a process called in situ vitrification and then reburied.

Mr Lewis interjecting:

Mr HILL: I am glad to hear it. Vitrification immobilises the waste by turning it into glass like blocks. This procedure was agreed to by all parties involved, including the South Australian government and the Maralinga people.

Mr Lewis interjecting:

Mr HILL: The member asks why it was not got on with. As he says, it does indeed make you wonder. The waste was unearthed and the vitrification process commenced. However, after an explosion, the process was stopped even though it seems likely that the explosion was due to the contents of the waste not the vitrification process. From reading documentation of the meanings of the time, it appears that cost concerns were the main reason for abandoning the vitrification process. Technical experts on-site and international experts all agree that in situ vitrification is a much more secure means of storage than just burial. In addition, the change in process was made without full and transparent consultation or without the agreement of the Maralinga people or our state government.

Mr Lewis interjecting:

Mr HILL: It does get even worse, as the honourable member says. There are two issues here: firstly, the process that was agreed on after years of consultation involving the commonwealth and state governments and the Maralinga people was abandoned, and that was a process which was believed to be the best possible way of dealing with the waste. However, in some ways the more important issue is the fact that the change in process by which this waste was dealt with was done in a cavalier fashion by the federal government in cahoots with the operators who were dealing with the product. The commonwealth government said, 'We will stop in situ vitrification and we will just go to shallow burial.' It was done without any consultation with the people.

Mr Lewis interjecting:

Mr HILL: Clandestine, as the member says. It was done without consultation with the Maralinga people, the owners of the land, and it was done without proper consultation with the state government, and it was done without advice being given to the people of South Australia. So a sophisticated, approved, well-considered process was dumped and replaced by the simplest process of all which was just shallow burial in the ground.

Mr Lewis interjecting:

Mr HILL: It was very upsetting to Archie Barton, as the honourable member said. It is very upsetting to all of us in South Australia because, instead of having the best possible way of dealing with this material, we now have the worst possible way. In fact, the $100 million or so has largely been wasted. As a result of this—and I must say I commend the state government for this—the state government has refused to accept the handover of the land into South Australian hands without consideration by the federal government of long-term risk. I also understand that the Maralinga people have rejected the transfer of the land as well.

It is interesting to compare the methods of waste storage disposal used at Maralinga and those for the proposed low level nuclear waste site. In fact, the requirements for the disposal of low level waste are much more stringent than those enforced at Maralinga. In the end, the Maralinga waste was simply dumped into unlined trenches dug into very geologically unsuitable and unstable land. How can the so-called experts justify the more rigorous disposal means for low level waste and literally just dump one of the most dangerous substances known into two to three metre deep trenches? We are left just hoping for the best, really. Perhaps it was part of the commonwealth's plan all along to rid itself of any long-term liability by handing over the lands to the state.

Finally, Mr Parkinson has expressed serious concerns about the level of radiation exposure that the Maralinga people, living a semi-traditional lifestyle may suffer. He expects that a minimum exposure would be five times the acceptable limit and, in some places, up to 13 times that limit. It worries me immeasurably that the Minister for Aboriginal

Affairs has been so silent on the inadequacies of this clean-up. I expect the minister will especially want to investigate this matter as I know the safety of the Aboriginal community would be paramount to her. Mr Parkinson summarises, and I quote from him in correspondence on 31 August 2000, as follows:

> While I am saddened to see a project which has occupied several years of my working life go so badly wrong, I believe that the outcome at Maralinga does not bode well for a future national radioactive waste repository.

It is absolutely imperative that the federal government releases all documentation about the clean-up to the general public. It is also imperative that we have a full and independent inquiry into the entire Maralinga clean-up. The stakes are too high for us to allow this fiasco to just drop. We must work together to ensure the safety of current and future South Australians. My motion calls for three things. First, it calls on this House to express concern over the shoddy way that this clean-up has been conducted.

An honourable member interjecting:

Mr HILL: I would be happy if the member were to amend my motion. Secondly, my motion calls on Senator Minchin, who is the responsible minister, to release publicly all documents relevant to the clean-up. Thirdly, it calls for an independent inquiry to be arranged by the federal government so that the facts can come out and the people of South Australia can know about this.

I am surprised that this matter has been around for some time now. I am very surprised that very little of this is known to the public of South Australia. We have been dealing with the issue of the clean up of the Maralinga lands for many years. We have had government minister after government minister going to England and pleading for funds to allow this to happen. We have had consultation, committees, papers, documentation—the whole process has been gone into. At the end of the day, after trialing a highly sophisticated method of dealing with the waste, it was all abandoned and holes were dug in the ground and the waste was put into the ground—and this is plutonium waste, which is the most dangerous material on earth, in the Outback of South Australia; in the Maralinga lands of South Australia.

Senator Minchin and his cronies in Canberra wonder why we in South Australia object most strenuously to his plans to impose more radioactive waste on our state. We know from the records in respect of Maralinga that the federal government is not fair dinkum when it comes to treating this waste. We cannot rely on its integrity in relation to it, and we certainly cannot rely on its technology. I urge other members to become involved in this debate and I hope that, when it reaches its conclusion, the motion will be passed unanimously.

Mr LEWIS secured the adjournment of the debate.

ANZAC DAY

The Hon. R.B. SUCH (Fisher): I move:

> That this House requests the Department of Education, Training and Employment, the Catholic Schools Commission and all independent schools to ensure that all schools commemorate Anzac Day with a range of educational activities prior to Anzac Day, given that Anzac Day falls within the school holidays.

This is an issue about which I feel very strongly. I wrote to the Minister for Education and Children's Services on 11 July last year and asked him about the current situation in recognising and acknowledging the sacrifice of veterans at various school levels in terms of Anzac Day. I said:

> I wish to suggest that a particular time in the last week prior to the April holiday period be designated as a time when all state schools acknowledge and commemorate the lead-in to Anzac Day.

I pointed out in my letter that I have been working in conjunction with the RSL and, in particular, its state Vice President, Mr Bob Harris, of Coobowie. The minister responded by saying that the department's administrative instructions and guidelines specifically mention acknowledgment of Anzac Day. The minister said:

> It is suggested that lessons having a bearing on Anzac Day be given prior to that day. They could include reference to the historical event of the landing of 25 April 1915 and its significance to Australia.

The minister continued:

> This guideline allows sites considerable flexibility in the way they address learning about the sacrifice of veterans and the significance of Anzac Day. Individual schools are best placed to make decisions about how Anzac Day can be incorporated into their curriculum programs at various year levels and when this learning should occur. It is not my intention to regiment precisely when and how schools commemorate local, national or international events.

The minister also highlighted some of the good things happening in schools. He mentioned Forbes Primary School and Port Vincent Primary School, and he talked about the national Simpson Prize for year 9 students. He said that the South Australian curriculum, standards and accountability framework will continue to provide guidance as to where and how teachers can include learning about the significance of the sacrifice of war veterans to Australian society. He then noted my discussions with the RSL and pointed out that his department's paper, *Xpress*, features an article from the RSL, providing suggestions as to how schools can commemorate Anzac Day. Finally, he mentioned that, in addition, Anzac Day kits have been distributed to schools by his department.

I appreciate the response of the minister, of course, but the letter indicates that it is up to schools whether or not they commemorate Anzac Day at all. I do not believe that that is acceptable. In respect of the role of the minister, we know that, in South Australia, the minister has no authority whatsoever in relation to curriculum matters; that resides with the CEO of the department. I believe that it is important, not just for Department of Education, Training and Employment schools but also for the Catholic and Independent School systems, to ensure that they all commemorate Anzac Day with a range of educational activities, given that Anzac Day, as has already been pointed out, now falls within the school holidays.

I am not seeking in any way to glorify war. I detest war. Actually, my first name comes from the name of an uncle who was killed on his birthday in New Guinea in the Second World War. My grandfather was badly gassed in the battle of the Somme. Other relatives lost their lives during war, so I am in no way seeking to glorify war. But that should not stop us, through our school system in particular and also via other activities, for example, participating in or watching the Anzac Day march or acknowledging the sacrifice of the 100 000 Australians who have given their lives in various wars.

To put it into context, if you take an AFL grand final at the Melbourne Cricket Ground, the attendance is equivalent to the number of Australians who have lost their lives fighting for their country. In addition, we have all those who have

suffered serious injury and have paid a very dear price in terms of their commitment in service to their country.

Virtually every family in the area in which I live, and the primary school which I attended, Coromandel Valley, lost at least one son in the First World War. That scenario was repeated sadly in Cherry Gardens and elsewhere throughout this country. I do not think it is exaggerating to say that Australia lost many of its gifted and talented young people, not just in the First World War, when 60 000 were killed, but in other wars, including the Second World War. Many men going off to the First World War believed they were involved in some sort of an adventure. Sadly, that was anything but the truth.

For several years I have sent out material to schools in my electorate focused on the role of Simpson and his donkey, named Duffy, and I have used that throughout the schools to try to illustrate the concept of community service, not as I indicated previously in any way to glorify war but to point out that, like Simpson, young people can think about service and commitment to their community, and how they can do things for others as well.

I do not claim that to be of any great educational standard. For the very young children, there was an opportunity to colour in a sketch of Simpson and the donkey, drawn by a woman associated with the Blackwood RSL. That was a small effort, from my own resources, to try to encourage commemoration of the sacrifice of our veterans.

Sadly, in recent times we have heard a view that Australia's history, whether it be in relation to pioneers or the sacrifice of veterans, has only occurred since about 1960. That is a betrayal of the contribution not only of our pioneers and Aboriginal people but also of those who gave their lives or suffered as a result of participating in the wars.

The City of Onkaparinga, the local council within which my electorate falls, in conjunction with the Department of Veterans' Affairs, has done an outstanding job in restoring some war memorials, one of which is situated on Chandlers Hill Road, Happy Valley, and another at Coromandel Valley, which is not in my electorate but adjacent thereto.

Mr Dud Nicolle, one of my constituents, has taken a great interest in and has helped in the restoration of the three rifles monument, situated on the corner of Chandlers Hill Road and Main South Road, O'Halloran Hill, as well as the other Chandlers Hill Road monument. The restoration of those monuments has encouraged a lot of community focus on the sacrifice of locals in the various wars, and many schoolchildren have taken an interest as a result of that renovation.

We need to promote greater awareness through our schools. I am aware that, through the RSL, veterans visit schools to tell young people about their experiences, and I think that is great because it allows young people to relate to the sacrifices and experiences of veterans. In suburbs such as Coromandel Valley, they can trace the connection with families who still live in the area and who lost sons in one or other of the wars.

I reiterate the point that I do not believe it is acceptable that schools should be able to opt out of or not consider Anzac Day. I think that Australians sell themselves short when they have a laissez-faire attitude to their own history and culture, and to the sacrifice of veterans. Through this motion I strongly stress to the minister, the Catholic Schools Commission and the independent schools the importance of commemorating Anzac Day with appropriate activities, not to highlight the negative aspects of war but to highlight the fact that our freedom and our quality of life are the result of the sacrifice of men and women who gave their life for this nation.

Material that has been developed largely in South Australia by educators is available through the Veterans' Affairs Department for members and for schools to use, and I encourage schools to take advantage of that material. This is an important motion and it is something that I feel passionate about. I can recall my days at primary school when we celebrated a range of things but, in particular, when we commemorated Anzac Day. It was quite an emotional time and those feelings and that sense of appreciation of the sacrifice of others is something that has remained with me.

I am fortunate that I have never had to place my life on the line in the defence of my country and, in that respect, many of my generation have been fortunate. However, I am mindful that many of my friends served in Vietnam. It was the luck of the ballot, and I was not called up. It was something that, purely through luck, I was not called upon to do. I believe that this motion has merit and that it has strong support in the community. I welcome the renewed interest in the Anzac Day march but, given the changes to school terms, I believe that all schools in all systems should celebrate these achievements and, in particular, commemorate what is a very special sacrifice by thousands of Australians in the various wars that have sadly occurred and taken many of our wonderful young men and women. I commend the motion to the House.

Ms RANKINE (Wright): Young people in our schools have a unique opportunity to learn about a significant part of Australian history from the people who lived through it. On Sunday, I visited the Salisbury RSL, where I am an associate member. My father was a returned serviceman. I attended the unveiling at the Salisbury RSL of a mural on a wall facing the railway line. The work, which was undertaken by young people in the Salisbury area, was coordinated by the Salisbury Council and the Salisbury RSL.

The Salisbury RSL is working hard not only to support its members but also to provide a positive role, to encourage and provide educational opportunities for young people in the Salisbury area. Those people are going out into the schools, working with the students and telling them about their experiences during the Second World War and other service related events. They have established a cadet service and they involve these young people in a whole range of activities, and actively involve the families as well.

The Salisbury RSL has also set up quite an amazing array of memorabilia. I was very pleased just a few weeks ago to be able to present to its members a set of newspapers chronicling the Second World War in England. It was very interesting. I took it along to the Salisbury RSL for its Christmas dinner and it was interesting to see a table of about 20 people, rather than chatting, just sitting there reading the newspapers. These veterans are living history. They provide interaction which has positive outcomes for both older people and the young members of our community. They have helped break down barriers. They are helping to reduce fear between young people and the not so young. The young want to know about what they experienced and they want to be involved. This is a very positive move.

Mr LEWIS (Hammond): Anzac Day is an important day in the history of this nation. I commend the member for Fisher for what he has done in bringing this motion before us. People ought to understand how Australians volunteered in the services, most of them men but not without women, to

fight a cause to secure democratic government where it was under threat from the forces of authoritarianism and dictatorship. Had that not happened, there would not have been the measure of success that forces in support of democracy had. Australian and New Zealand forces made an enormous contribution during the last century to the development of an understanding that there are just wars, which are necessary in order to preserve democracy and freedom.

It is not appropriate for this motion to be interpreted by any factional element as supporting the view that the British were a bunch of domineering dickwits who did not know how to run a war or anything else and that they sent hundreds of thousands of innocent people to their slaughter as troops, infantry or whatever they may have been in the conflict without regard for the outcome. They did as they saw fit in circumstances where, in more recent time, we know they could have done better but there were not the communications nor the technology that we now have available to them.

The establishment from which they came—I am talking about a military establishment—made them a product of itself, warts and all, producing the kind of orders which resulted in the kind of conflict that ensued as a consequence. It is not appropriate to take the wood to anybody in trying to rewrite history but rather to state what did happen and in doing so enable children to grow up understanding those facts and understanding why, for instance, at Gallipoli we fought where we did against the foe we did as Australians and why we now find ourselves very often in Turkey having an empathy with the Turkish descendants in those communities where the conflict had been joined at Gallipoli. And there are other places. It is important to know that history. Now that the holiday falls within the school holidays it ought not to be overlooked. It is an important part of the making of Australia.

Mr HAMILTON-SMITH (Waite): I rise to support the motion. I commend the honourable member for putting it forward. I think it is very timely, given that Anzac Day is only a few weeks away and it is very appropriate for the reasons that my honourable colleagues have already outlined. Being someone who spent 23 years in the army, serving as an officer, I have a particular interest in this issue. But that aside, I have an interest in it because I am an Australian citizen. I agree with the member that it is paramount that the Department for Education, Training and Employment and the Catholic Schools Commission, and all independent schools take steps to ensure that Anzac Day is appropriately remembered and celebrated in our schools. It is something that the Australian people, that South Australian people, want to occur and it is something that I know almost all schools ensure takes place. I do not think it would hurt at all for this House to give a clear direction to them that it is what we and what the community of South Australia want them to do.

Australians have fought in many wars and fought well for what they believed was right. They fought for their country, they fought for their loved ones. Some people in our community have taken exception and have disagreed with particular conflicts in which we have become involved, most recently and, perhaps most controversially, the Vietnam conflict. I was a young school student during that conflict and, later, I was a young soldier during that conflict, as a cadet at Royal Military College, Duntroon. There were times when we were told that we were not to wear our uniforms in public. There were times when we were told not to tell people that we were in the army, that we were to scour about unnoticed, for fear of causing any conflict within the community because there were people out there so opposed to our involvement in the Vietnam conflict.

It made every soldier with whom I was serving feel quite disgusted and quite ashamed that we were delivered to a point where we could not go out in public in uniform because some people in the community were so upset about the Vietnam conflict. It was even worse for the Vietnam veterans who, returning from that conflict, faced the greatest trial of all, and that was settling back into a community that was so divided over the war, in which they had to face some individuals who were hell-bent on humiliating them as individuals, for what was really a matter for government and for the people of Australia. I think that was a shameful situation.

I remember as a young school cadet at Marion High School—we used to wear our uniforms to school on parade days—being stood up by a young teacher in my class and addressed in an abusive way because I was wearing the uniform and because, for some reason or another, in his view that was inappropriate and something that should not be happening within the school. I understand that teacher was severely reprimanded by the headmaster afterwards. I think this occurred in about 1969. I hope things like that do not occur today in our schools. I hope that individual teachers who may be thinking that Anzac Day, military service and war service are somehow a disgrace do not influence students in a negative way about Anzac Day for, indeed, it is something for which all Australians should be proud. It was a great sacrifice. I hope that the education department gets a message out to school communities and to teachers that, irrespective of their personal views about conflict and about war, Anzac Day is not about something that happened only in April 1915. It is a symbol for the sacrifices made by all our service men and women over many, many years. A consequence of that sacrifice is a reminder to children that the freedom and joys that we experience in this country today are largely as a result of their sacrifice.

Motion carried.

ADJOURNMENT DEBATE

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I move:

That the House do now adjourn.

Mr CLARKE (Ross Smith): I want to talk briefly about two things: first, I pay tribute to the Gepps Cross Primary School in my electorate, which showed initiative by having its own Come Out festival last Friday week. As you would be aware, Mr Acting Speaker, many school children participated in the Come Out celebrations that were held in Elder Park a week or so ago. We tend to forget that a significant number of students are unable to attend those sorts of ceremonies simply because of costs and distances involved. I know that Gepps Cross Primary School was not the only primary school in my electorate that was not able to send its students to Elder Park because of the cost factor.

Other schools in my own electorate were affected along with, no doubt, schools in many other electorates of members of this House, including, of course, many country schools. The cost of hiring a bus is about $200 or about $5 per child. The parents of the students who attend Gepps Cross Primary School are, in the main, on very limited incomes, either government benefits of one form or another or on low wages. Even the cost of $5 a child—and many parents have two or three children attending that school—is just simply too much

to spend. However, that did not deter the school or the school community from allowing the children to enjoy the festivities.

The school organised its own Come Out parade—marching across Main North Road, through the Enfield Shopping Centre (the Harvey Norman area) on Main North Road through to Kilburn Oval in Blair Athol. I pay tribute to the police officers who stopped the traffic on Main North Road to allow the approximately 200 pupils from Gepps Cross Primary School, their parents and staff to cut across Main North Road to the shopping centre and then back again to go to the Kilburn Oval. They were certainly in party mode. They were dressed up for the occasion and were able to participate in these events virtually free of charge.

On the Kilburn Oval, through the assistance of a number of grants obtained by the local school, they enjoyed local entertainers, and the like, face painting, jugglers and a number of other people participating with parents, staff and the students so that they could all feel part of this Come Out celebration. It was a great initiative shown by the school, the staff and, in particular, the arts teacher, Ms Dianne Clemens, who, ironically, reminded me that I used to baby sit her some 30 or more years ago. I must say that it really made me feel ancient to have an adult schoolteacher tap me on the shoulder and say to me, 'Do you remember me?' I replied, 'I am afraid that I do not', and she then pointed out that I used to baby sit her when I was about 16 or 17 and at high school. She was about four years of age and lived in a house near where I lived with my parents. That certainly dates one.

I congratulate the school, the community and, particularly, the students who went into the spirit of things in full force and thoroughly enjoyed themselves. It does show that, even if you are in difficult financial circumstances, you can participate in these sorts of events if you use some imagination and some will.

In conclusion, I want to make, given the time available to me, I want to advise the House that preferred insurance repairers do engage in rip-offs. Recently, a constituent of mine was taken to the Magistrates Court for a minor civil action by an insurance company because this young lad—who was only 16 years old at the time—caused a front verandah post on a building to be knocked over. He was held liable and the insurance company preferred repairer repaired it at a cost of $2 000, with the repairer claiming that he had worked 43 hours on replacing this front verandah post.

As I pointed out to the insurance company, I did not think he was building the Pyramids and I could not see how he could spend 43 hours on this job if he was a competent tradesperson. The insurance company dismissed my view, but I am pleased to say that the young lad and his mother stood firm and they went to the Port Adelaide Magistrates Court. Within three minutes the magistrate had worked out that the preferred builder was, in fact, double dipping in relation to the hours claimed and the cost of repair was reduced from $2 000 to $800.

I have taken up the matter with the insurance company and understand that that preferred repairer is no longer a preferred repairer for that insurance company. However, this incident points out that the insurance company does not assess claims for less than $2 000. So, what do these repairers do? I suspect that they rort the system by jacking the price up knowing that no-one will check it. It was only that this young lad was uninsured and would have had to pay the cost himself that this matter was fully investigated. If it had been insurance company to insurance company, the rort would have been perpetuated. I say to the insurance industry that it should have a series of spot audits on all such repairers to ensure not only that they are not ripped off but also that the ordinary consumer and those of us who pay insurance premiums are not being ripped off, either.

The Hon. G.M. GUNN (Stuart): I have in front of me a transcript dated 15 October 2000 concerning John Fleming's program, in which the compere said:

> Michael Atkinson, shadow attorney-general, ALP member for the seat of Spence, good evening.

Michael Atkinson then said:

> Oh, good evening, Father John. John, I have an apology to make. On 16 April 2000, I participated in a radio program you compered on 5AA, and the program discussed preselection within the Labor Party for the next state election.
>
> Now, during the discussion, I made certain remarks concerning the present incumbent of the state seat of Ross Smith [held by] Ralph Clarke.
>
> My remarks might have implied that Ralph Clarke could have required the judge to proceed with his trial after the Crown had indicated that it was withdrawing. . . the charge, so, if appropriate, the jury could have returned a not guilty verdict.
>
> Now, my remarks might also have implied that Ralph Clarke should have resigned his seat in parliament and that he was a liability to the Labor Party.
>
> Well, I now totally withdraw each and every one of those implications, and I acknowledge Ralph Clarke to be an outstanding Labor member of parliament, especially at the committee stage of bills, and I unreservedly apologise to Ralph Clarke for the comments made by me.

The compere then said:

> Thanks very much. We'll maybe talk to you later in the program.

Atkinson then said:

> Yes.

The compare then said:

> Michael Atkinson, the shadow attorney-general, ALP member for the seat of Spence.

I think the fact that the member is very keen on circulating material in other members' electorates means he should receive a little notoriety himself.

An honourable member: Hear, hear!

The Hon. G.M. GUNN: Well, he has picked on everyone and he is getting a little of his own back. I hope that there is more justice in the wind.

I want to raise another matter in relation to a group in my constituency called Iga Warta, which operates a tourist facility just west of Nepabunna on the Copley-Arkaroola road. This community has established a tourist facility on Aboriginal Lands Trust land. Unfortunately, there has been a dispute in the area. This community has put a lot of its own money into establishing these facilities to provide services to the tourist industry. I want to read a couple of letters into *Hansard* so that people can be aware of the difficulties. I understand that they brought this to the attention of the Environment, Resources and Development Committee when it visited the area a few weeks ago. This is a letter to Phillip Broderick:

> Dear Phillip,
>
> We would like you to act for us and sort out our rights in accordance with our sub-lease agreement. We believe that the Nepabunna Community Council is in breach of the agreement. The letter addressed to Mr Peter Rawson re: Iga Warta Development is in conflict with the 'sub-lessee's obligations' clause 2.4, 'sub-lessor's obligations' 3.1, 3.3, 3.5 of the sub-lease agreement.
>
> Enclosed for your information is a copy of the letter to Mr Peter Rawson, the deed and lease agreement, four letters from individual Nepabunna community members, the draft roadhouse joint venture agreement, survey results, provisional development plan, consent from the Development Assessment Commission.

It goes on to indicate the need to have this matter clarified. Also, I have a letter from Johnston Withers, which states:

I refer to the Aboriginal Lands Trust board meeting on 25 June 1998.

Mr Clarke interjecting:

Mr GUNN: I do, too. The letter continues:

I note that a concept plan was presented to the board . . . over a number of years it is contemplated that the population of Iga Warta would expand to about 50-60 people with 18 houses and other facilities being constructed. Iga Warta representatives sought the approval of this concept and for this purpose the waiver of the consent requirements in the deed dated 31 January 1996 between the trust and Iga Warta.

This was the principal objective. However, in the short term, the representatives confirmed that Iga Warta wishes to install an additional four houses and construct a shop and associated facilities. In the absence of approval for the concept plan or waiver of the consent requirements for this purpose, consent was sought from the trust pursuant to clause 1.1 in respect of the additional four houses, shop and associated facilities.

Submissions were also made in respect of an extension of the Iga Warta lease land to the Angepena boundary fence and also for Iga Warta to have a representative on the trust board. . . The board decided in the first instance to give immediate consent to the development . . . The board decided that it will give further consideration to the concept plan and the principal request of the Iga Warta representatives at its next meeting, which is to take place in late August at Nepabunna. Accordingly, that matter has been deferred to that meeting.

You will appreciate that the desired extension of the Iga Warta land to the Angepena boundary line can only proceed with Nepabunna's approval.

These are only a couple of pieces of correspondence that I have in relation to this matter. I have drawn the matter to the attention of the minister, who has indicated that Iga Warta have not breached their lease agreement and, therefore, I request that the minister have a suitably qualified person, as provided for in the lease agreement, appointed to resolve this matter because it is clear that the community needs secure title over this land so that they can get on with the business: they have put a considerable amount of their own money into the project. It is unfortunate when small communities have differences. They need to be sorted out. There needs to be some commonsense applied and, hopefully, the arguments are not based on the attitude of being jealous of someone who has been a bit successful.

It has been brought to my attention that an article appearing in *Standard* and headed 'Rock-solid seat' states:

As an ALP member for some 30 years, I suppose I should not have been too surprised to learn that my good friend, Michael Atkinson, is Labor's campaign manager for the seat of Enfield in the next state election. Nevertheless, it does seem to smack of overkill. Enfield (currently called Ross Smith) is a rock-solid seat and Michael Atkinson is one of Labor's most experienced MPs and political campaigners. He commands formidable intellectual, financial and human resources, which the ALP could surely use to better effect elsewhere. It is not as if voters in the area have been neglected.

Ross Smith is fortunate to have as its parliamentary representative the extremely active, affable and astute Ralph Clarke, a Labor hero who risked everything by tackling, head-on, attempted branch-stacking in his party and who came out on top every time the matter went to court. His factional enemies squandered precious party funds in trying to defend the indefensible. Factional brawling has reduced the membership of a once proud mass party to a rump of little more than 3 000. . .

It is signed by Phil Robins of Toorak Gardens. I commend it to all members.

Motion carried.

ADJOURNMENT

At 6 p.m. the House adjourned until Wednesday 4 April at 2 p.m.