HOUSE OF ASSEMBLY

Tuesday 9 July 2002

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

NOARLUNGA HOSPITAL

A petition signed by 510 residents of South Australia, requesting the House provide intensive care facilities at Noarlunga Hospital, was presented by the Hon. J.D. Hill.

Petition received.

ROAD SIGNAGE REMOVAL

A petition signed by 599 residents of South Australia, requesting that the House direct the Government to immediately remove the 'No U-Turn' sign at the junction of Sylvan Crescent and Hancock Road, Fairview Park, was presented by the Hon. D.C. Kotz.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

- Report of Committees which have been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991:
  - Emergency Services Levy 2002-2003—Interim Report

By the Deputy Premier (Hon. K.O. Foley)—

- Regulations under the following Acts—
  - Fisheries—
    - Fish Processors
    - Fishing Activities
    - General Fees
    - Giant Crab Fees
    - Restrictions on Equipment
    - Schemes of Management Fees
    - Mines and Works Inspection—Application and Other Fees
  - Mining—Claims and Other Fees
  - Opal Mining—Application and Other Fees
  - Petroleum—Application, Licence Fees
  - Primary Industries Funding Schemes—Sheep Industry Fund

By the Treasurer (Hon. K.O. Foley)—

- Regulations under the following Acts—
  - Authorised Betting Operations—Licence Fees
  - Land Tax—Certificate Fee
  - Lottery and Gaming—Licence and Other Fees
  - Petroleum Products Regulation—Various Fees
  - Public Corporations—
    - Education Adelaide Minister Holding Corporation Dissolution
  - Southern State Superannuation—Invalidity, Death
  - Superannuation—Electricity Members
  - Tobacco Products Regulation—Licence Fee
- Rules
  - Authorised Betting Operations Act—Bookmakers Licensing Rules—Agents and Clerks

By the Minister for Government Enterprises (Hon. P.F. Conlon)—

- Regulations under the following Acts—
  - Fees Regulation—Water, Sewerage
    - Sewerage—Other Charges
    - Waterworks—Other Charges

By the Minister for Police (Hon. P.F. Conlon)—

- Regulations under the following Acts—
  - Firearms—Licences, Transfer Fees

By the Minister for Emergency Services (Hon. P.F. Conlon)—

- Regulations under the following Acts—
  - Emergency Services Funding—
    - Remissions—Public Housing, Land
    - Remissions—Various

By the Attorney-General (Hon. M.J. Atkinson)—

- Regulations under the following Acts—
  - Associations Incorporation—Application, Copy Fees
  - Bills of Sale—Registration and Filing Fees
  - Business Names—Application, Inspection Fees
  - Community Titles—Application and Other Fees
  - Co-operatives—Application, Inspection Fees
  - Cremation—Application Fees
  - Criminal Law (Sentencing)—Service and Other Fees
  - District Court—Civil and Criminal Divisions Fees
  - Environment, Resources and Development Court—
    - General Jurisdiction Fees
    - Native Title Fees
  - Fees Regulation—
    - Fees Under Acts
    - Managers, Justices Fees
  - Magistrates Court—General and Minor Claims Divisions Fees
  - Partnership—Limited Partnership Fees
  - Public Trustee—Commission and Fees
  - Real Property—
    - Land Division Fees
    - Search, Application and Other Fees
  - Registration of Deeds—Registration and Other Fees
  - Sexual Reassignment—Recognition Certificate Fee
  - Sheriffs—Service and Execution Fees
  - Strata Title—Lodgement and Other Fees
  - Summary Offences—Application Fee
  - Supreme Court—
    - Filing, Application and Other Fees
    - Probate Fees
  - Youth Court—General Fees
  - Workers Liens—Lodgement and Other Fees
- Rules of Court—
  - Magistrates Court—Civil Rules—Percentage

By the Minister for Consumer Affairs (Hon. M.J. Atkinson)—

- Regulations under the following Acts—
  - Births, Deaths and Marriages Registration—Application Fees
  - Building Work Contractors—Licence, Periodic, Default Fees
  - Conveyances—Registration, Application Fees
  - Land Agents—Application, Registration Fees
  - Liquor Licensing—Application Fees
  - Plumbers, Gas Fitters and Electricians—Licence, Periodic Fees
  - Second-hand Vehicle Dealers—Application, Licence Fees
  - Security and Investigation Agents—Application, Licence Fees
  - Trade Measurement—Licence Fees, Instrument Charges
  - Travel Agents—Application and Licences Fees

By the Minister for Health (Hon. L. Stevens)—

- Regulations under the following Acts—
  - Chiropodists—Application and Subscription Fees
  - Controlled Substances—
    - Controlled Drugs and Poisons Fees
    - Pest Control Fees
  - Medical Practitioners—Fees for Over 70s
  - Public and Environmental Health—Waste Control Fees
  - Radiation Protection and Control—Substances, Apparatus Fees
  - South Australian Health Commission—
    - Compensable and Non-Medicare Fees
    - Medicare Fees

Private Hospital Licensing Fees

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Regulations under the following Acts—
Botanic Gardens and State Herbarium—Admission Charges, Service Fees
Crown Lands—Land Dealings Fees
Environment Protection—
Beverage Container Fees
Fees and Levy
Heritage—Copy, Certificate Fees
Historic Shipwrecks—Register Copy Fee
National Parks and Wildlife—
Wildlife Fees
Hunting Fees
Native Vegetation—Consent Application Fee
Pastoral Land Management and Conservation—Lease and Other Fees
Water Resources—Licence and other Fees

By the Minister for Gambling (Hon. J.D. Hill)—

Regulations under the following Act—
Gaming Machines—Licence and Other Fees

By the Minister for Social Justice (Hon. S.W. Key)—

Regulations under the following Act—
Adoption Act—Application and Related Fees

By the Minister for Housing (Hon. S.W. Key)—

Regulations under the following Act—
Housing Improvement—Application Fees

By the Minister for Transport (Hon. M.J. Wright)—

Port Operating Agreements for—
Klein Point
Port Adelaide
Port Giles
Port Lincoln
Port Pirie
Thevenard
Wallaroo
Regulations under the following Acts—
Fees Regulation—Proof of Age Card
Harbors and Navigation—
Ardrossan Limits
Certificate, Registration and Other Fees
Restricted Waters Extension
Motor Vehicles—
Expiation Fees
Registration, Licence & Service Fees
Passenger Transport—Accreditation and Other Fees
Road Traffic—
Driving Offences Fees
Inspection Fees

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Acts—
Dangerous Substances—Licence, Permit Fees
Explosives—Licences, Inspection Fees
Occupational Health, Safety and Welfare—Inspection and Other Fees

By the Minister for Recreation, Sport and Racing (Hon. M.J. Wright)—

Regulations under the following Acts—
Boxing and Martial Arts—Fees, Medical Matters

By the Minister for Urban Development and Planning (Hon. J.W. Weatherill)—

Development Plan Amendment Report—
Interim operation of City of Adelaide—Significant Trees
Interim operation of City of Burnside—Significant Tree Management
Interim operation of City of Norwood, Payneham & St Peters—Significant Trees
Interim operation of City of Prospect—Significant Trees
Interim operation of City of—Unley—Significant Tree Management
Regulations under the following Acts—
Development—
Register and Other Fees
Significant Trees—Time Extension

By the Minister for Local Government (Hon. J. W. Weatherill)—

Regulations under the following Acts—
Local Government—Valuation Fees
Private Parking Areas—Expiration Fees

By the Minister for Administrative Services (Hon. J.W. Weatherill)—

Regulations under the following Acts—
Freedom of Information—Fees and Charges
Roads (Opening and Closing)—Deposit and Other Fees
State Records—Document and Other Fees
Valuation of Land—Copy and Other Fees

DNA TESTING

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today I would like to make the house aware of what the government is doing to fulfil the commitment, made during the election campaign earlier this year, to DNA test the criminals in our state's prisons.

This measure requires amendments to the law of South Australia**.** The Attorney-General has been working on a comprehensive piece of legislation to amend the Criminal Law Forensic Procedures Act. The process of drafting that bill began under the former government to enable South Australian legislation to complement commonwealth laws that govern the CrimTrac DNA database. However, the bill also makes certain amendments to the act as proposed by the South Australia police and by the Director of Public Prosecutions.

The Labor government has also made the decision to widen the scope of the bill. The bill will compel any prisoner who has been convicted of an offence, no matter how minor, to give a DNA sample. This legislation will be introduced during this session of parliament.

In addition, this government is devoting more resources to this relatively new scientific form of fighting crime. I can announce today that an extra $3.1 million will be allocated in the state budget to boost DNA profiling in South Australia. The Justice portfolio has been allocated $1.9 million over four years of which $72 000 will be spent each year over four years to DNA test about 3000 convicted criminals in our state's prisons.

As soon as we can get the legislation passed—we hope we can be assured of bipartisan support for this legislation, and I am sure we can—we can fulfil our election commitments to DNA test criminals in our state's prisons.

The government will also be allocating $1.25 million over four years to cover the increasing demand for DNA criminal work. This money will be used to employ two new forensic staff and to purchase the latest technology for DNA analysis to assist the police to track down and prosecute criminals. This will help increase the speed of DNA testing which will reduce delays experienced by the courts.

There has been an increasing demand for DNA testing in criminal work. It has become an essential tool in criminal

investigation. It is considered the new 'fingerprinting' of the twenty first century. As a government we have a responsibility to ensure that we have the technology and the resources to allow police to do their work. It also sends a strong message to criminals that we have the technology and we are using it more easily to match them to the crimes they commit.

The extra funds will also be spent to upkeep the database for our DNA profiles. The Forensic Science DNA criminal intelligence database was established in 1999, and by the end of May this year there were more than 2 000 DNA profiles on the system which had provided 452 matches between crimes or with an offender. In one case—and this is very important to understand the importance of this new technology—16 break-ins were linked by using the database, something it would have been virtually impossible to do before the database was established. In another case, an offender in two sexual assaults dating back to 1995 and 1997 was identified through a DNA match with evidence found at a recent break-in.

This new tool in crime fighting will help the police to track down criminals and help the courts to do justice. We hope that the opposition will help us in introducing this important weapon in the fight against crime when our draft legislation is introduced into parliament soon. But just to make it perfectly clear, every single criminal in our prisons, no matter what they are convicted of, will be DNA tested, because this is about breaking the back of crime and using the latest scientific research in doing so.

BUILDING INDEMNITY INSURANCE

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: During question time yesterday, the member for Bright asked me to confirm that, apart from special cases, no exemption from building indemnity insurance had been granted under the recent exemption scheme. When in my answer I declined to confirm any such thing, the member for Bright and many on the opposition benches asserted that no small home builder had received the benefit of an exemption and that the exemptions were confined to Karidis Corporation and large commercial projects. The member for Goyder in his grievance claimed that I skirted around the topic of home builders.

I can now advise the house that four small company or sole trader builders have been granted exemption for a total of 10 projects. These builders are: Fairweather Constructions, Classic Constructions, Rocca's Building and Prime Building. The latter received two exemptions, although it applied for seven. Two small building companies had applications before me yesterday and I approved both applications today. A further two small company builders have been granted exemptions for work on Housing Trust dwellings—and I refer to Mario Minuzzo Builders and Caromar Constructions.

Four further builders have submitted applications that are now in the final stages of being assessed by the Office of Consumer and Business Affairs for my consideration shortly. The great majority of South Australian builders will continue to work with building indemnity insurance written by the Housing Industry Association Insurance Services through Royal & Sun Alliance. I do not doubt that some builders are having difficulty obtaining building indemnity insurance owing to the withdrawal of Dexta's international reinsurers in April this year.

The requirement for insurance is imposed by a state statute, so I am willing to accept responsibility for trying to get as many South Australian builders back to work as we can. Some builders will not receive exemptions; some because they do not have the consent of the owners in writing that the owners agree to the builder beginning work without a building indemnity insurance policy, or because the builder has no system for alerting future purchasers; some because their financial position was precarious before Dexta's withdrawal; some because they will not disclose any independent verification of their financial position; some because they will not apply for insurance through HIA Insurance Services; and some for a combination of these reasons.

I am open to suggestions of how the state government can help builders past this current difficulty but, despite the urgings of some, I will not deprive consumers of any protection and I will not expose the taxpayers of South Australia to the potential liability of the state government's underwriting builders that HIA Insurance Services will not insure.

QUESTION TIME

EDUCATION FUNDING

Ms CHAPMAN (Bragg): My question is directed to the Minister for Environment and Conservation, representing the Minister for Education and Children's Services. Has the government broken its pre-election promise to honour all funding commitments made by the previous government in the last state budget? During the election campaign, the ALP promised that it would honour all funding commitments contained in the previous state budget. However, prior to 30 June 2002, the government wrote to schools advising that capital works previously approved and budgeted for are now under review. I have received a copy of a letter from the Minister for Education to the Marryatville High School of 26 May 2002 confirming that their new classrooms and performing arts centre which were approved in 2000 and budgeted for in 2001-02 are now under review. The letter goes on to state:

> Within the context of annual state budget planning, this government will be reviewing the decisions of the former government to ensure that they are fully justified and fully funded. Consideration will also be given to this government's priorities for education.

The opposition is aware that similar reviews are occurring in other schools across the state including the Victor Harbor Primary School, the Gawler Primary School and the Noarlunga Primary School redevelopment.

The Hon. K.O. FOLEY (Deputy Premier): I think the member for Davenport would have asked that question with much more punch and with a much more cutting political edge to it. The fact that the minister is reviewing any program within her portfolio to ensure that it is funded and justified would seem to be a sensible approach for a new government. Regarding the specific question, there are only a couple of more sleeps and the member can read the budget and see for herself.

BAXTER DETENTION CENTRE

Mr KOUTSANTONIS (West Torrens): My question—

Members interjecting:

The SPEAKER: Order! I heard an interjection that the Treasurer had misled parliament. I do not know where it

came from, but that of all statements is very serious. Interjections are out of order at any time. The member for West Torrens.

Mr KOUTSANTONIS: Thank you, Mr Speaker. My question is directed to the Minister for Government Enterprises. Will the minister advise the house whether the government has concerns about the Baxter Detention Centre at Port Augusta?

The Hon. P.F. CONLON (Minister for Government Enterprises): It would be of no surprise to some that not only does the government have concerns but it suffers deep frustrations in terms of the policy in regard to both the Baxter and Woomera Detention Centres. It was those concerns that led us—

The Hon. I.F. Evans: What is Crean's policy?

The Hon. P.F. CONLON: The honourable member wants to know about Crean's policy. I am sure that once the honourable member gets a promotion to that bigger house he can ask him but, at the moment I will answer the questions that we have got.

An honourable member interjecting:

The Hon. P.F. CONLON: I am told that Iain did want to go there, but I will leave that alone—the internals of the members opposite are entirely their own. It is a serious matter. On 30 June, while at an excellent community cabinet meeting in Port Augusta—

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley—

An honourable member interjecting:

The Hon. P.F. CONLON: I am enjoying this.

The SPEAKER: The minister will pay attention to his answer and forget the preferred assistance being offered by those apparently less competent than himself.

The Hon. I.F. Evans: That is a reflection on an honourable member.

The Hon. P.F. CONLON: On 30 June, at an excellent community cabinet meeting in Port Augusta, the Premier, the deputy premier and I took time out to visit the Baxter Detention Centre to highlight the government's concerns about safety issues—and other issues—at Baxter. We were accompanied on that occasion by the Chief Fire Officer of the Metropolitan Fire Service, the Chief Executive of the Country Fire Service and the Assistant Police Commissioner.

Mr Venning interjecting:

The Hon. P.F. CONLON: The member for Schubert interjects and asks, 'Were you allowed in?' Well, we were not, despite the suggestion by the federal Minister for Immigration that we were invited in. I can indicate that, when we got there, the only thing we saw was a rather large security guard hurrying to padlock the gate when he saw us coming. Of course, being accompanied by the Premier and the deputy premier you would—

The Hon. M.D. Rann: They can't keep the detainees in but they wanted to keep us out.

The Hon. P.F. CONLON: That is right. It is an interesting thing. As the Premier says: they cannot keep the detainees in but they want to be alert to keep us out. Perhaps they have not quite got their priorities right. The reason we were there was to make public our concern that, despite repeated requests, our fire services (the MFS and the CFS) had not been allowed access to inspect the centre so as to make preparation for any emergency. This was extremely disappointing for us.

Mr Williams interjecting:

The Hon. P.F. CONLON: The honourable member down the back says that that is our own interpretation. Of course, what happened was that, after being there and after exposing the federal minister to the glare of publicity—

Mr Williams interjecting:

The Hon. P.F. CONLON: I take it that the member for MacKillop—back near the pole, way up the back there—agrees with the approach. Well, we do not. Subsequent to that, on Monday 1 July, following our visit and after exposing the issue, both the local MFS regional manager and acting commander of the CFS received an invitation to inspect the site. On Tuesday 2 July the Premier received a faxed letter from minister Ruddock with a stamp attached indicating that the minister had signed the letter on Friday 28 June. It was a four-sentence letter inviting the Premier to visit Baxter at 12 noon on 10 July—it was rather extraordinary, I thought, that we could not have got that invitation before we went up there, but we are to believe that it was always on its way.

I must say that, at the same time, the Premier also received a faxed letter signed by Mr Ruddock in which the minister explained that he was grateful for the work of the South Australia police (although we are yet to see any concrete expression of such gratitude) and explaining that his department had invited the MFS and the CFS to inspect the premises. I must say that we have later seen media reports to suggest that the MFS and the CFS had been invited but they declined the invitation. This is most extraordinary. I know that it is a Liberal government federally—and it is very liberal with the truth.

Mr Ruddock's people would have us believe that the chief officers of the MFS and the CFS and the regional commanders were involved in some conspiracy of deception. The truth is that we asked them. The Premier asked Mr Ruddock on 11 May to allow them in. We were told that it would be fixed. It was never fixed until we exposed the federal government to the glare of publicity and then they were invited in. I am pleased to inform the house that on 5 July the regional commander of the CFS did visit and reported the following:

> As a result of the inspections we are now confident that we can handle any emergency issue that arises at Baxter.

I do not know for the life of me why we could not have got such a sane response months earlier.

Members interjecting:

The Hon. P.F. CONLON: Oh, Dorothy thinks this is the right thing to do—for us only to get in once we exposed the minister. Well, I am going to go on and I hope we get a little bit more support from the opposition on our other concerns than we have had so far on this issue. On 5 July I was able to engage in debate with Mr Ruddock on ABC regional radio at Port Augusta. He extended to me an invitation to meet—

Members interjecting:

The Hon. P.F. CONLON: They do not like this, do they? They do not have the courage to stand up and defend these people who are freeloading on South Australia, but they do not like me to expose it either. They do not quite know what their position is over there; but we are used to that. Maybe one of them can stand up, Mr Speaker, a little later and tell us what their position is on the commonwealth freeloading on South Australia.

Members interjecting:

The Hon. P.F. CONLON: What would I do? I would pay my bills, which is what we want Philip Ruddock to do—and I will come to that in a moment. I got an invitation to meet

Mr Ruddock, at last, on behalf of the South Australian community, and today I faxed a letter to him requesting that we meet as soon as possible, because there are a few things that I want to put to him. But the other thing he said at that debate on the radio was that, while he is grateful for the South Australian police, he does not like them cost shifting onto the commonwealth—us, cost shifting onto the commonwealth!

Let me make this plain. As a result of the last Woomera riots, where our police were not only insulted by protesters but subsequently insulted by the Minister for Immigration, as a result of the massive commitment of our resources, we sent a bill to Philip Ruddock. It was a bill for somewhere around $530 000. Do not forget, what we saw was our police removed from our roads, protecting our people on the Easter long weekend to travel to Woomera to handle a riot in which they were insulted. Philip Ruddock says he is going to pay us for our expenses. I can say, with the best information we have so far, that for the resources we have committed to those detention centres, for all of those resources, so far we have been paid slightly in excess of $12 000. Now I have to tell you, if you think that that covers the several hundred police that we sent to Woomera on the weekend, you are very wrong—and we have asked for $530 000.

But let us go on. That is the cost shifting our police are doing. That was just for Woomera last time. Let me say what has happened since the last time this person has been unable to keep detainees in his centre. We had to commit further resources. On Thursday 27 June and Friday 28 June, resources committed to the latest incident were over 50 police officers, over 20 vehicles, one rotary and one fixed-wing aircraft and two police dogs. They have been working on that ever since. We have had allocations away from our local service areas up there and they continue to give resources to the commonwealth. The cost of this will again be very large. I am going to send another bill to Philip Ruddock, and I know what the answer will be.

We heard a lot of noise from members opposite a moment ago, but perhaps now we could hear their support. Perhaps now you could contact your federal colleagues and ask them to pay for the resources that they are freeloading on. South Australians pay their taxes to create a police force to serve them, to benefit them, to protect them, not for the convenience of Philip Ruddock. There is one other thing that the opposition could perhaps assist me with in dealing with Mr Ruddock. Despite the last riot at Woomera, despite the fact that our police had to step in and take over after the commonwealth had lost control, despite all of that, despite the confusion in the change of chain of command that lead to it—a confusion that existed because the commonwealth would not agree to a memorandum of understanding on dealing with those rights—despite all of that, I got a letter from the Police Commissioner last week saying could I take over the issue because he has been trying still to establish a memorandum of understanding on dealing with riots and he has made no progress, and it needs to be handled at a political level.

The upshot of this is that we see a commonwealth government that likes to talk and deal tough with refugees but at our price. Phillip Ruddock is prepared to go to Nauru and throw money around like a drunken sailor but freeload on the state of South Australia. The commonwealth government is so arrogant that it will not even sit down and discuss with our police how they could do their job better. That is the reason we have concerns. I am happy to outline those concerns, but I ask this: instead of all the inane and mindless interjections, perhaps they could ring their Liberal colleagues and ask them to sign an MOU with our police and ask them to pay their bills.

INSURANCE, PUBLIC LIABILITY

The Hon. R.G. KERIN (Leader of the Opposition): What assurances has the Insurance Council given to the Treasurer that the measures he has proposed to address the crisis in public liability insurance will result in reduced premiums and availability, or increase the availability, of insurance for those who cannot get it now? Yesterday, the Treasurer announced details of a package of measures intended to ease the current crisis in public liability insurance. In his ministerial statement, the Treasurer indicated that he had received advice from the Insurance Council suggesting that the government's reforms will assist in reducing claims costs. However, no mention was made as to whether the Insurance Council had given the Treasurer any assurances that the reforms would result in a reduction of premiums.

The Hon. K.O. FOLEY (Deputy Premier): That is a very good question, and I am happy to answer it. In my statement yesterday, I referred to discussions I had had with the Insurance Council of Australia (ICA). Prior to formulating our final position as a government, I asked senior representatives of the ICA to come to Adelaide and meet with me. We had about a 45 minute to one hour meeting on this issue. I flagged with them the specifics of what I was proposing. We then communicated directly with the ICA—my office and Treasury officers, as well as some officers from other government agencies—to explain the package of initiatives we are putting together. The ICA wrote back to me only a matter of two or three days ago. Without having the letter in front of me, it stated that the government could take comfort that the proposals put forward would act as an opportunity to see claims reduced, or words to that effect.

There are caveats in all this; it is not a blanket endorsement. It is not saying that it will reduce rates, but from their initial reaction—and yesterday I referred to that as an initial reaction—it was indicated that the government could take comfort that the proposals being put forward would address some of the issues and, indeed, the cost of premiums. Then again, when you wake up and see the newspaper this morning, you read that the head of QBE, before a select committee inquiry in Canberra, is making noises that, regardless of what governments do, that does not necessarily mean there will be an automatic reduction.

It says that the insurance companies have to lift their game and have to deliver on the savings that they have told all governments will result in reform measures. If there are break-out insurance companies—whether it be QBE or others—that want to say, 'Give us the improved environment in each jurisdiction but we'll keep that money to make us more profitable,' as I said yesterday, the commonwealth government, through the ACCC and the regulatory bodies, clearly has to step in and take the stick to the insurance companies. All state Treasurers and Helen Coonan in particular have talked about the very real concern we have to ensure that the insurance companies deliver on their side of the bargain. The last time state ministers met we had the heads of the major insurance companies with us, and that point was hotly discussed and debated between ministers and the insurance industry. The insurance industry is on notice. We expect it to deliver, and I expect the commonwealth government to step in and ensure, from a regulatory point of

view at a national level, that the insurance companies deliver on what they are required to do.

DRUGS

Mr SNELLING (Playford): My question is directed to the Premier. What action is the government taking to crack down on drug traffickers and manufacturers?

The Hon. M.D. RANN (Premier): I can advise the house that the government will be introducing legislation to make a number of important amendments to the Controlled Substances Act. The Controlled Substances Act prescribes offences dealing with possession, use and trafficking in illegal drugs such as heroin, cocaine, amphetamines and cannabis.

The Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General has produced a report on serious drug offences that proposes a series of simple and major offences dealing with commercial drug dealings, including cannabis. This government will be introducing legislation that will include the following offences and maximum penalties, and let me just spell this out for the house:

- Trafficking in large commercial quantities of illicit drugs: life imprisonment.
- Manufacture of large commercial quantities of illicit drugs: life imprisonment.
- Sale of large quantities of precursor (or ingredients) for drugs: 25 years imprisonment.
- Cultivation of large commercial quantities of illicit drugs: life imprisonment.
- Sale of large commercial quantity of cannabis: life imprisonment.
- Supply of commercial quantity of illicit drugs to a child for sale: life imprisonment.
- Procuring a child to traffic a commercial quantity of illicit drugs: life imprisonment.

The government will also be removing hydroponically grown cannabis from the cannabis expiation scheme, and trafficking in large amounts of cannabis will be treated in the same way as trafficking in other illicit drugs. Let me make that perfectly clear: the government will be removing hydroponically grown cannabis from the cannabis expiation scheme, and trafficking in large amounts of cannabis will be treated in exactly the same way as trafficking in other illicit drugs.

Now, if these new measures and the amendment to the regulations last year, which reduced the number of cannabis plants that can be grown under the expiation scheme from three to one, do not have the effect of dramatically reducing the amount of hydroponically grown cannabis, then the government will introduce heavy restrictions on the licensing of hydroponic equipment retailers. We will also conduct an education campaign aimed at warning potential cannabis growers about the risk of fire and home invasions, and we are working with the insurance industry to raise house insurance policyholders' awareness of limits to coverage where illegal activities are involved.

The government has established a consultative group with representatives of the hydroponic retail industry, the police and the Department of Primary Industries to look at ways of cutting commercial cannabis production and it has convened an interagency working group, including the Premier's Department, SAPOL, the Attorney General's Department and the Department of Human Services to monitor the success of the initiatives taken regarding hydroponically grown cannabis. The program I have outlined to hit drug traffickers and manufacturers hard has strong public support and I am sure the legislative amendments will receive bipartisan support when they are debated by this house.

HOSPITALS, AFTER HOURS GP SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Does the Minister for Health stand by her comment yesterday that there was no $5 million commitment from the commonwealth for the provision of after-hours GP services, or will she apologise to the house given that these statements were incorrect? Yesterday the minister claimed that previous statements I had made in relation to commonwealth funding for commitment for after-hour GP services were incorrect and that there was no commitment of $5 million from the commonwealth for this purpose. Today I have received a faxed letter from the Office of the Federal Minister for Health and Ageing which states:

> Dear Mr Brown,
>
> Further to our conversation earlier today I am writing to you, in Senator Patterson's absence on leave. I can confirm that, prior to the South Australian election earlier this year, after discussions between you and the federal minister, a commitment was given to you as health minister at that time that the commonwealth would provide $2.5 million per year for two years to fund the after-hour GP clinics at the Queen Elizabeth Hospital and the Women's and Children's Hospital. The offer of funding assistance was on the basis that the South Australian Liberal government had made a firm commitment to keep these clinics operational.
>
> I hope this is of assistance.
>
> Yours sincerely,
>
> Dr Barbara Hayes, Chief of Staff.

Yesterday, the Minister for Health stated:

> Nobody should believe the statements of the member for Finniss, and I must say it is disappointing that on a continuing basis the member for Finniss goes around misinforming the public of South Australia about issues in relation to health, continuing to undermine the public health system in this state.

The Hon. L. STEVENS (Minister for Health): My answer is, 'Where's the money, Dean, because we haven't got it?'

Members interjecting:

The SPEAKER: Order!

NURSES

Ms RANKINE (Wright): Can the Minister for Health provide the house with information on the shortage of nurses in South Australia, the number of nurses expected to graduate in the next few years, and whether training levels are keeping pace with the anticipated number of nurses required to meet forecast demand?

The Hon. L. STEVENS (Minister for Health): South Australia has a shortage of 400 nurses in the public sector, impacting on the ability of hospitals and health units to provide services. This is a very important issue, and I would ask the opposition to listen to the answer. Last week, for example, the Royal Adelaide Hospital was unable to open up to 20 beds to meet the winter demand because no nurses were available. That hospital was 20 beds down.

While a South Australian Graduate Nurse Requirement Report dated June 2001, which was not released by the former government, highlights that South Australia needs 1 000 nursing graduates each year to maintain the registered nurse work force over the next three years, the expected numbers of graduates will be just 480, 640 and 520. So, certainly, those numbers have fallen well behind require-

ments. If the number of graduates is not increased, the report predicts that South Australia could face a shortfall of up to 1 500 nurses by 2004-05. This equates to the number of nurses required to staff one of the larger metropolitan hospitals.

I have met with the vice chancellors of our universities and other stakeholders, including the Australian Nursing Federation, and my department is preparing a comprehensive nurse recruitment and retention strategy. Once again, we have to pick up the pieces from the previous minister, who failed to deal with the issue.

MEMBER FOR HAMMOND

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Attorney-General. Is it true that you had a discussion with the member for West Torrens regarding the reimbursement of the member for Hammond's legal fees prior to the Public Works Committee's resolving to recommend paying those legal fees on 22 May?

The Hon. M.J. ATKINSON (Attorney-General): No.

ADELAIDE TO DARWIN RAILWAY

Ms BREUER (Giles): My question is directed to the Minister for Industry, Investment and Trade.

Members interjecting:

The SPEAKER: Order! Will the member for Giles please repeat the title of the minister to whom the question is directed? I was unable to hear because of the excessive noise.

Ms BREUER: Yes, sir, I could not hear myself speak either. My question is directed to the Minister for Industry, Investment and Trade. Will the minister inform the house of the progress that has been made on the construction of the Adelaide to Darwin railway?

The Hon. K.O. FOLEY (Minister for Industry, Investment and Trade): I thought it would be timely to briefly update the house as to where we are at. I had noticed that earlier actually: that's why David has not been sitting in his seat for the last half hour. Malcolm, you should get out of there, too.

The SPEAKER: The roof is not going to fall in.

The Hon. K.O. FOLEY: Mr Speaker, I am concerned about your health more so than members opposite, but I would have a look up there. Maybe Rob Lucas is up there with a screwdriver; I don't know. I will answer the question briefly. Cabinet was in Whyalla and Port Augusta only a week ago and we had the opportunity to visit the BHP steel mill.

I would like to update the house, if members are remotely interested, about the Adelaide to Darwin railway line. The answer is a very good answer. The design, procurement and construction of the project are all progressing as scheduled. Construction operations are across a 1 100 km front along the corridor. As at 1 July 2002, completed works include 870 kilometres of clearing for earthworks; 626 kilometres of embankment works—the light is falling down, can't you see—501 kilometres of capping layer on the embankment; 30 of a total of 97 bridges have been constructed; and 221 kilometres of track has been laid.

Am I answering the right question? It looks like the light is going to fall down. Some 466 000 sleepers have been produced—I need some light relief before Thursday—and over 800 000 tonnes of ballast has been produced. To date, South Australia has secured contracts, subcontracts, jobs and other services for works on the project to the value of approximately $327 million. It is like *Phantom of the Opera*.

There is more to come for South Australia with significant subcontracts related to locomotive and traffic wagon supply and maintenance still to be placed. Malcolm, move your chair a bit. Sorry, sir. I will yell out, 'Duck', sir, at the appropriate time. I did want to point out again that the great thing about the Adelaide to Darwin railway line is that it was a project with great bipartisan support. The then Leader of the Opposition, now Premier Mike Rann, together with the former premier John Olsen are to be commended. As we have already said, we acknowledge the fine work, the good work, that John Olsen did to get this project for South Australia. The Premier had John Olsen accompany him recently to the first tracklaying in Darwin—a truly bipartisan project and a great project for our state. I am pleased that members have basically ignored this answer.

CORNWALL, Dr J.

Ms CHAPMAN (Bragg): Can the Attorney-General inform the house of the total cost to the government of the verdict in the Supreme Court action by Ms Dawn Rowan against former Labor health minister, John Cornwall, and others? On 21 June 2002 Justice Debelle awarded Ms Rowan $330 425 in damages as a result of events which occurred under the Labor government in 1987. The judge found Dr Cornwall guilty of misfeasance in public office because, and I quote: 'This is malicious use of unsubstantiated allegations' against Ms Rowan. The judge made Dr Cornwall jointly liable for the defamation of Ms Rowan and also made a special award of $25 000 exemplary damages to show the court's, and I quote:

> . . . disapproval of Dr Cornwall's abuse of position, to punish him for his outrageous conduct and deter others from this conduct.

How much will this episode cost the South Australian taxpayer?

The SPEAKER: As an expert in the *Old Testament* I call the Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): I do not have the figure with me. I will obtain it for the member as soon as possible—I hope this afternoon. We are considering an appeal on some aspects of the matter.

MENTAL IMPAIRMENT COURT

Mr HANNA (Mitchell): Will the Attorney-General advise the house about the progress of the Mental Impairment Court, and tell the house what evidence there is that this initiative is succeeding in its stated objectives?

The Hon. M.J. ATKINSON (Attorney-General): In February 2001, the Office of Crime Statistics completed a process of evaluation of the first 12 months of the operation of the pilot Magistrates Court Diversion Program for persons with a mental impairment. This pilot was based in the Adelaide Magistrates Court.

An honourable member interjecting:

The Hon. M.J. ATKINSON: I am happy to say it was an initiative of the Hon. K.T. Griffin, the previous Attorney-General, who is very well respected in the Attorney-General's Department and fondly remembered. This found that, overall, the program had been implemented as intended. However, despite some positive indications, insufficient time had elapsed to determine whether it had achieved its key objective of reducing recidivism levels amongst the client group. Given

that additional funding has now been provided to enable the pilot program to be extended to other suburban and country courts over the next four years, the Office of Crime Statistics is now undertaking further studies, including:

- a statistical analysis of client numbers, characteristics and court outcomes for those dealt with in the second 12 months of this court's operation. These data will be compared with those from the first 12 months to identify whether client participation levels and outcomes have changed;
- an analysis of recidivism patterns of clients processed during the first 18 months of the program;
- a process evaluation of the roll-out of the program to other metropolitan and country courts;
- a longitudinal outcome-focused evaluation of clients admitted to the program after 2001 with a view to assessing the program's impact on the client's wellbeing and reoffending levels, the court system and treatment agencies, and its overall cost effectiveness. This longitudinal evaluation, due to commence in the latter part of this year, will run for about three years.

CORNWALL, Dr J.

Ms CHAPMAN (Bragg): My question is again directed to the Attorney-General. Will the government indemnify Dr John Cornwall in respect of the $25 000 exemplary damages awarded to Ms Dawn Rowan? On 21 June 2002, the Attorney-General was asked on radio whether Dr Cornwall was covered by a government indemnity in respect of exemplary damages awarded against him for his personal misconduct in public office and the Attorney said, 'I suspect not.' Will the taxpayer have to foot the bill for the conduct of Dr Cornwall—

The SPEAKER: We know what the question is. The explanation, I think, is clear. Leave is withdrawn. The Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): My understanding is that both minister Cornwall and all the public servants and people on the committee of inquiry were indemnified.

WINDMILL PERFORMING ARTS COMPANY

Ms CICCARELLO (Norwood): Will the Minister assisting the Premier in the Arts advise the house of the progress of the new national family theatre company Windmill?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): I am delighted by the question from the member for Norwood. I was pleased to speak at the opening night of the Windmill Performing Arts Company's first production, an adaptation of Mem Fox's *Wilfrid Gordon McDonald Partridge*, at the Festival Centre on Saturday 6 July, just last weekend. Already, this production, which is fantastic, has received rave reviews. I will read briefly from the *Australian* of Monday of this week. The article states:

> In its premiere production, the newly formed Windmill Performing Arts Company has created a sheer delight for audiences of any age. . . *Wilfred Gordon McDonald Partridge* is irresistible in both its accomplishment and its charm. It deserves to become a classic all over again.

Members who have had or who have younger children would be familiar with the work. The stage production was an absolute joy. If you do have young children, I encourage you to take them along. The season goes until 20 July. Windmill believes that children's art activities deserve the same professionalism and production values as adult theatre—and certainly this production has delivered in that respect.

An honourable member interjecting:

The Hon. J.D. HILL: I'm not sure about that; I hope so. Windmill is the first national performing arts company for families, which is setting out to create a new arts audience. Windmill will present professional performing arts productions for children, young people and their families in the Dunstan Playhouse and the Space Theatre. In future, the company will also tour regionally, nationally and internationally.

Later in the year, Windmill will stage *Twinkle Twinkle Little Fish*—I know that's a favourite for many members opposite—which promises to be a visual musical theatre treat. I approved funding recently of $25 000 to enable Windmill to showcase this production at the International Market for Children and Families Theatre in Montreal. This is a potential export product for South Australia. I am pleased to advise the house that Windmill has recently signed an agreement with the New Victory Theatre on 42nd Street in New York—that is just around the corner from Broadway—for a three-week season.

I would like to congratulate the company's Creative Producer, Ms Cate Fowler; the General Manager, Mr David Malacari; the Chairman of the board, Mr Andrew Killey; and all of the cast of *Wilfred Gordon McDonald Partridge*. I am disappointed that the former Minister for the Arts, the Hon. Diana Laidlaw, was not in attendance at the show the other night because she missed the congratulations that I offered to her for her sterling efforts in establishing the company.

ENCOUNTER SCHOOLIES WEEK

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Premier. Given the government's commitment to addressing the use of designer party drugs especially for our youth, why has funding for the health program for Encounter Schoolies Week been cancelled? Encounter Schoolies is a program established to provide services and advice regarding things such as binge drinking, drugtaking and other social issues for thousands of school leavers who descend on Victor Harbor during Schoolies Week each year.

During the government's recent Drugs Summit we were repeatedly reminded of the importance of preventative and divertive strategies and the necessity for and the success rate of community-based grassroots programs. These were mentioned time after time. This program, as part of Schoolies Week, has been funded for the last few years, but they have just received a letter saying that health funds for this year have been cancelled.

The Hon. M.D. RANN (Premier): I will certainly inquire about the circumstances of this particular case but, as can be seen from what I have read out to parliament today in terms of what we intend to do regarding the manufacture of heroin and other illicit drugs, we intend to treat commercial quantities of cannabis, precursor drugs and illicit drugs (such as amphetamines) in exactly the same way in terms of life imprisonment and other penalties. There is nothing tougher than this, and I agree that there must be a coordinated approach. We must look at prevention and education. We must also hit the traffickers hard and we will hit the traffick-

ers hard. I was pointing out today that we are going further in terms of what we are putting forward to the law. However, I will check the circumstances in relation to the Victor Harbor school and we will see what we can find out.

GMO INQUIRY

Mr McEWEN (Mount Gambier): My question is directed to the Minister for Environment and Conservation. Is the government intending to proceed with its election promise to hold an inquiry into the introduction of GMOs in South Australia? I understand that, during the last election campaign, the Labor Party promised that it would hold such an inquiry. Today, some elected members of this house attended a conference at which a Canadian farmer explored some of the downsides to GMOs and, in particular, how it had destroyed the canola industry in his country. That farmer advised us that, as of today, there is no non-contaminated canola in the whole of Canada. Given that there are serious downsides to GMOs will the government proceed?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Mount Gambier for this important question. I know that he has great interest in this issue as do many of his constituents. I think it is fair to say that many people in the community have serious concerns about the impact of GM cropping on both the health of citizens who consume products that are eventually made from it and also the implications for our environment if the crops escape into our natural environment and, perhaps, mutate and cause problems. As the honourable member said, a visitor from Canada today talked about some of the issues and I received a briefing on some of those issues.

Yes, the government is committed to conducting the inquiry that it announced prior to the election. I have had some preliminary discussions with my colleagues the Minister for Health and the Minister for Agriculture about the nature of that inquiry. I would hope that, once we get through the budgetary process, the three of us will be able to sit down and make sure that inquiry takes place. We want to have it happen relatively quickly. I am sorry that it has not happened to date but we will get it on the boards pretty quickly so that we can address some of those issues relating to the potential damage to the environment caused by GM getting into our native vegetation.

FISHERIES COMPLIANCE OFFICERS

Mrs PENFOLD (Flinders): Will the Treasurer, representing the Minister for Fisheries, confirm that the announced cuts to fisheries compliance officers will not be made on Eyre Peninsula? The minister announced on 27 June 2002 that the two compliance officers in Whyalla (located in the electorate of Giles) would remain giving the giant cuttlefish breeding waters as the reason. Eyre Peninsula, excluding Whyalla, produces around 65 per cent of the state's seafood harvest, has the majority of aquaculture industries and a coastline longer than Tasmania's. Commercial industries, as well as recreational fishing, require inspection. Only recently the Australian Institute of Criminology (report number 225) outlined the extent of abalone poaching and concluded that continued assessment, monitoring, regulation and policing must be used to address the threat facing the legal fishing industry.

The Hon. K.O. FOLEY (Deputy Premier): I will be pleased to provide the honourable member with a detailed response from the minister.

ECOTOURISM

Ms BEDFORD (Florey): My question is directed to the Minister for Tourism. Could the minister please advise the house of the state government's initiatives to boost ecotourism within the State of South Australia?

The SPEAKER: Before calling the minister, may I point out to all members that it is not necessary, indeed it is disorderly, to beg when asking a question. Members are legitimately entitled to seek information from ministers; that is the purpose of question time. The minister.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): Mr Speaker—

Members interjecting:

The SPEAKER: Order! I cannot hear the Minister for Tourism.

Members interjecting:

The SPEAKER: I can hear the member for Schubert, though.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): The most significant features of South Australia, in terms of ecotourism, are our clean green image, and many of the people who visit South Australia claim that our wildlife experiences and our regional tourism are one of the main reasons why they come to our state. The South Australian Tourism Commission is committed to environmental tourism and also aims to meet the objectives of the National Ecotourism Strategy. South Australia's natural assets are unspoilt, underrecognised and uncrowded, and many opportunities exist to create world-class nature-based ecotourism experiences around our diverse and quite accessible assets.

Training providers, industry and government are currently working together to enhance this sector. The SATC is collaboratively developing ecotourism packages targeting key international and domestic markets. At the same time the SATC is acutely aware of our need to protect nature-based attractions and develop ecotourism with a strong emphasis on sustainability and conservation. The recognition that tourism employment levels have risen dramatically and are now rising at 8½ times the rate of other industry sectors means that protecting our natural environment means money, business and jobs. That is why the last thing we need in this state would be a Liberal-backed nuclear dump.

EMERGENCY SERVICES, PORT LINCOLN

Mrs PENFOLD (Flinders): My question is directed to the Minister for Emergency Services. Can the minister advise when the new combined emergency services building in Port Lincoln, to accommodate the metropolitan and country fire services, will be built? The current facilities in Port Lincoln are substandard. Planning for the new combined premises that has been undertaken over the past several years appears to have stalled.

The Hon. P.F. CONLON (Minister for Emergency Services): The member for Flinders raises an issue that has involved serious difficulties for the incoming government: that is, the capital program for emergency services. What we

saw from the previous government was the announcement of a capital program that was entirely a fraud. The reason it was entirely a fraud was that the former minister for emergency services knew that the money he was allocating for the capital program was instead being spent on recurrent expenditure in the Country Fire Service.

Members interjecting:

The Hon. P.F. CONLON: If you didn't know it, you are even sillier than I thought, mate.

Members interjecting:

The Hon. P.F. CONLON: The Auditor-General will have something to say about that in due course.

The SPEAKER: I warn the member for Mawson.

The Hon. P.F. CONLON: The truth that we discovered is that some $8 million (possibly more than that) which should have been spent on the capital program to date has instead been spent on recurrent expenditure in the Country Fire Service budget. We faced up to our responsibilities when we got there, and the responsibility we had was to attempt to fix that. What we have done is increase funding for emergency services from $141 million a year to $156 million, and that is something already signed off by the Liberal members on the Economic and Finance Committee. But we cannot entirely overcome the difficulties of the past. You cannot just simply make an $8 million or $9 million hole in your capital program go away overnight. What we have to do is face up to the fraud of the previous government. We have to address those issues. We do recognise that, not only in the electorate of the member for Flinders but in other places around the state, there is a backlog and a need for work. In fact, we have made significant commitment to fixing the hole. We cannot, overnight, fix problems that took three years to develop, but we will get there.

PROPERTY COUNCIL AWARDS

Mr O'BRIEN (Napier): Will the Minister for Administrative Services inform the house of the Property Council Awards?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I appreciate the opportunity to inform the house about this important award. The Property Council Award in South Australia gives an award of excellence for a building in each state. The award is sponsored by Rider Hunt, and the winner of the state award is eligible to be entered in a national award. The criteria for the award are not based simply on design alone; great importance is placed on the encouragement and recognition of excellence in the efficient use of resources. However, they also look at the way in which the building will generate benefits not just for the users of the building but also for the broader community. It is an interesting award. It is not just an award for architecture.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: There are some spectacular examples of some good architecture but there are also buildings that do not work, and members opposite would be aware of those buildings. So, it is a contextual award. That is why it is important, and that is why I was very pleased to be given the honour of presenting the award. The winner of the award was the Adelaide Central Plaza—

Members interjecting:

The SPEAKER: Order! I cannot hear the minister for the background conversation in the chamber. I want to hear who the winner of the award was, too, as it happens. I was not part of the contest.

The Hon. J.W. WEATHERILL: —better known as the David Jones development—and it was submitted by Hansen Yuncken. Those members who move through David Jones whilst undertaking shopping on behalf of their respective partners would realise that it is a distinctively South Australian design. It is an elegant and understated design which is in harmony with its surrounds and which has made an important contribution to the revitalisation of North Terrace.

ABORIGINAL LEARNING CENTRE

Mr BRINDAL (Unley): My question is directed to the Minister for Employment and Training. How many additional Aboriginal health students will graduate from the recently commissioned Aboriginal learning centre, and what is the budget for the centre over the next 12 months? Recent media reports stated that the minister had opened the first stage of an Aboriginal learning centre to improve graduation rates for Aboriginal people studying in the human services field. I believe it was opened by the Minister for Health. Unfortunately, reports did not indicate the expected number of additional graduates or the budgeted costs. As the initiative is an Australian first, there is justifiable interest in this finer detail.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): The member for Unley will realise that details of that question are best left until after the budget is announced on Thursday, and I will take the question on notice until then.

POLICE ASSISTANCE NUMBER

Mr RAU (Enfield): Will the Minister for Police advise the house of progress on the introduction of the new national police assistance number?

The Hon. P.F. CONLON (Minister for Police): Thank you for this surprising question; it is fortunate that I have discovered some recent information on this matter near to hand. It would have been less fortunate if I had not discovered this information on it near to hand. This morning, Chief Superintendent John Dicker from SAPOL's Operations Support Services conducted a briefing for the media on this subject. From 1 July 2002, the 11444 police assistance telephone number is being phased out and replaced with a new national police assistance number, 131 444.

An honourable member interjecting:

The Hon. P.F. CONLON: Triple four, not double. That's it. The former minister has got it right.

An honourable member interjecting:

The Hon. P.F. CONLON: No, he's all right. The number 11444 is not available in all Australian states and territories or on all telecommunications carriers' networks, and this is outside the control of SAPOL. If SAPOL had not adopted this new telephone number, then 000—not double zero—may have become congested with non-urgent calls which could have left emergency calls unanswered or answered much too late. Further, police stations may have become inundated with telephone calls, leaving them unable to provide service to front counter customers or perform other station duties. The 11444 number will not be available after 1 September 2002 and, drawing on new digital technology, the 131 444 number will be available across the state for police assistance calls. In regional areas, calls will be automatically directed to the nearest police station while all metropolitan calls will

terminate at SAPOL's call centre, located at police headquarters, Adelaide.

It is said to be a great initiative of the previous police minister and we are determined to make it work. He said that it is a great initiative. It was an initiative of his, and it is my job to make it work now. The call centre will operate between the hours of 7.30 a.m. and midnight, and outside those hours all calls will be answered by the police communications centre. SAPOL will be conducting an extensive media campaign. In addition to television, radio and press advertising, the media campaign will include: an information package to be sent to every household across South Australia through Australia Post, including an explanatory message from the Police Commissioner—not from me; the other fellow used to always put his picture on everything but I let the Police Commissioner do those things—a fridge magnet; stickers; a local service area information brochure; and a short translated statement in 16 languages. Police will also target schools, Neighbourhood Watch and community events such as those at Football Park and the Royal Show.

On occasions there have been complaints about answering calls and call response times. I assume that in the future there will continue to be some complaints. However, I indicate to the house that, in addition to the program I have just mentioned, it has been a special interest of the Premier. He has charged me with this matter, and I have spoken to the commissioner about improving our communications and our call answering capabilities to the best of our ability.

MARRYATVILLE HIGH SCHOOL

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted

The Hon. J.D. HILL: In question time today the member for Bragg asked a question relating to Marryatville High School. She referred to a letter that the Minister for Education sent to the high school on 26 May, indicating that there would be a review of the forward budgeted amount for the Performing Arts Centre. I can inform the member and the house that the minister also wrote to the same school on 3 July. I will not read the whole letter but I can make it available if she wishes. In that letter, the minister said:

> I am pleased to confirm, however, that I have endorsed the amount of $1.369 million, as approved by the former minister (the Hon. Malcolm Buckby, MP) for the construction of a performing arts centre at Marryatville High School.

I suggest to the member that in future she should check her facts.

GRIEVANCE DEBATE

STATE BUDGET

Mr VENNING (Schubert): It is certainly with bated breath that my colleagues, my constituents and I await the handing down of this government's state budget on Thursday. After every question we have asked, we have been told either that the matter is under review or to wait for the budget. Of course, that is 11 July 2002. A number of projects were initiated and supported by the previous Liberal government for the Barossa and its regions, and for the past five months these projects have been in limbo as we all wait for the budget. The then opposition—now the government—promised to honour all the commitments of the previous government during the election campaign. So I heard the deputy leader—now Deputy Premier/Treasurer—say that they would honour all the previous government's commitments. The budget is now upon us. I wish to stress how important it is for the people of my electorate, particularly the Barossa, that finance is made available for these projects. Health is an issue that the new government—

The DEPUTY SPEAKER: Order! Will the member for Schubert resume his seat. There are too many backsides and front sides in the wrong direction and it is very hard to see what is happening in the house. Thank you. The member for Schubert.

Mr VENNING: Thank you, sir. Health is an issue that the new government has pledged to pour millions of dollars into: an election promise that certainly needs to be upheld in my electorate. But will that promise be upheld for the people in our country regions? Is the Barossa region seen as being a priority for SA health? Will it go the same way as the Barossa Music Festival? The previous government set aside $12 million to $14 million for the new Barossa health facility to be built in Nuriootpa in the last budget which would be the focal point for health in the Barossa. This is an essential service to the Barossa, allowing for the closure of the existing Tanunda and Angaston hospitals and to develop a new super sub-regional hospital facility at Nuriootpa.

The Barossa health facility will offer a high level of procedures for patients, providing a comprehensive level of care for the community with expanded services and economies of scale benefits from having a larger, more central hospital. This facility was on track to be built by 2005-06 with the building of the development to commence in 2003-04; in other words, a little over a year away. In light of the economic growth in the region and the millions of dollars it generates it is essential to ensure the building of such a facility. I give the government notice that if the facility is not proceeded with I will be prevailing upon the government for millions of dollars to bring the facilities up to an acceptable standard—because if I do not bring it up I am sure the health department will.

The appalling decision in April by the new government to axe funding for the Barossa Music Festival shocked many people, especially as the event was one of South Australia's best known regional art events. The Premier has received recommendations from Anthony Steel, former chairperson of the Barossa Music Festival, providing him with a list of replacement regional arts events for the Barossa Music Festival. With up to $150 000 in funds available from Arts SA one can only hope a reconstituted music festival in the Barossa will be seriously considered. Again, the residents and businesses of the Barossa in particular, and the wider community, await to see what impact the ensuing budget will bring in relation to this wonderful event.

Education is a key area that the new government has promised to spend millions of dollars on, being a key component of its election campaign. But will these funds be distributed statewide or specifically in urban areas? Again, sir, there are several projects in the Barossa region that were supported by the previous government, and the federal government, and over the past few months attempts to determine what is going on have again been met with deaf ears—'Wait until the budget, this is a budget issue, it is under

review.' That is all we have been told in the whole five months that this government has been in power. With the budget almost upon us I want to know what has happened to the old Tanunda Primary School site and upgrades for the Angaston and Tanunda primary schools. The delay in the redevelopment of the Angaston Primary School and the kindergarten is a major concern, with students suffering and being disadvantaged while they wait for a decision, and it is federal government funding that is in jeopardy.

The DEPUTY SPEAKER: Before calling the member for West Torrens, there has been some interest in the tile above the Clerk's desk. It will be inspected at 6 p.m. to make sure that the papier-mâché surround doesn't fall down and deny us a Clerk.

Mr KOUTSANTONIS (West Torrens): Thank you, Mr Deputy Speaker. I am glad to see you taking an interest in the health and safety of members and employees of the parliament. I, too, am waiting for the budget with bated breath. I, too, am looking at local projects within my electorate that I want completed, because I know that for the last eight years the western suburbs have gone without. The western suburbs suffered a great deal under the last government and all members of this house have local pet projects that they want to see completed and that they want to see in the budget. We are no different from members opposite. And we are no different in the fact that the Treasurer is doing his best to try to allocate a certain amount of money for a certain amount of projects.

Mr Venning interjecting:

Mr KOUTSANTONIS: I would say to members opposite, and to members on this side: there is only so much to go around. Unless the member opposite is calling for increased taxes—which I have not heard him say—

Mr Venning: It's a matter of priorities, Tom.

Mr KOUTSANTONIS: I will talk about priorities in a second. We saw in the *Sunday Mail* and the Saturday *Advertiser* last weekend an example of priorities of this government in comparison to the former government.

The Treasurer was asked to fund the redevelopment of the Adelaide Oval grandstand. The previous government got quite excited about grandstands, stadiums and the like for sporting events. We upgraded the stadium at Football Park at expense to the taxpayer; we upgraded Hindmarsh Soccer Stadium to be the huge white elephant that no-one uses; and we upgraded the National Wine Centre that no-one uses, but for the Treasurer and the government of this state, the priorities are very different.

We will not be spending money on stadiums. We will be spending money on hospitals, schools and police. If the member for Schubert thinks that that is the wrong priority, I suggest he goes out and campaigns on it. I will encourage you. I will help you. If you think that this government has the wrong priorities, you wait until budget day, and we will show you a budget with the right priorities. We will be sensible and restrained but, above all, we will be financially responsible. The former government, under the stewardship of the former treasurer, was spending like a drunken sailor.

If people do not believe me, they can drive down Manton Street, West Hindmarsh, and look at that wonderful stadium that no-one uses. Then they can drive along North Terrace and go past the wine centre and look at the legacy that John Olsen left us. Another example of money that could have been spent involves the Barossa area. It could have been spent on your school. It could have been spent on your hospital.

The DEPUTY SPEAKER: Order!

Mr KOUTSANTONIS: It could have been spent on—

The DEPUTY SPEAKER: Order! The member for West Torrens will address the chair and not 'you' across the chamber.

Mr KOUTSANTONIS: Well, sir, if you had been listening, I was addressing you. I wasn't looking at you, but I was addressing you.

The DEPUTY SPEAKER: The member for West Torrens will not correct the chair. The chair is saying you address the chair, and you do not refer to members opposite as 'you'. Proceed.

Mr KOUTSANTONIS: I said 'your'. You can check *Hansard* afterwards. If the member for Schubert would like to have more money spent in his electorate, then I am sure he would have spoken to the former premier, his very close personal friend, about the waste and mismanagement of money on the Motorola contract, the Hindmarsh stadium and the wine centre. But I did not see the member for Schubert in the previous parliament get up in this house and talk about funding for projects in his electorate. In fact, I did not see a number of members opposite getting up and complaining about projects they wanted money spent on, when they were spending money on capital works that no-one is using.

We heard today a question from the member for Flinders, talking about capital works projects she wants in her electorate. I think that is a very important capital works matter, but unfortunately we have found that the previous minister was spending capital works project money on recurrent expenditure items. All of that will end on budget day. The mismanagement of the past ends on 11 July. I have not seen the budget; I do not know what is in it. I do not believe there will be answers for everyone. There will be some pain and some suffering, but we will get our priorities right, and it will not be on white elephants.

BUILDING INDEMNITY INSURANCE

The Hon. W.A. MATTHEW (Bright): Thank you, Mr Deputy Speaker.

The Hon. M.J. Atkinson: Get back in your seat!

The Hon. W.A. MATTHEW: It is interesting that it should be the Attorney-General who should interject today. I hope that the Attorney-General will listen to what is said in this house, and I hope that he will act upon it.

Mr KOUTSANTONIS: On a point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: There is a point of order from the member for West Torrens.

Mr KOUTSANTONIS: The member is out of his place.

The DEPUTY SPEAKER: This issue has been raised before. There is no specific provision that precludes the member for Bright as a shadow minister from being in that position. When handling bills he would be in that position as shadow minister. There is no special rule that I am aware of that precludes him from being there.

The Hon. W.A. MATTHEW: In the house today, the Attorney-General made a statement in relation to building indemnity insurance. As part of his statement to the house today, he said:

> I can now advise the house that four small company or sole trader builders have been granted exemptions for a total of 10 projects. These builders are Fairweather Constructions, Classic Constructions,

Rocca's Building and Prime Building. The latter received two exemptions, although it applied for seven.

The implication in the Attorney's comments in relation to Prime Building is that they received two exemptions of seven; in other words, two properties of seven. In fact, that is not the situation. Prime Building actually applied for exemptions in relation to seven projects, with five of those projects involving multiple dwellings. Only two of those projects were single dwellings. The two projects that were single dwellings were those that have been given exemptions as they are single dwellings for an owner-occupier, the owner-occupiers having signed the appropriate documentation to enable the exemption to be given.

My concern is that this company has now been refused exemptions for five building projects—more than $5 million worth of building development for the state. To illustrate the farcical nature of this insurance situation, were these not single storey dwellings, multiple dwellings that form building projects, but were instead three storey dwellings, such as prominent Adelaide developer Mr Gerry Karidis may be building, then those particular projects would receive the exemption. However, here we have five building projects involving single storey dwellings being built as spec properties by the builder and/or partners for which exemption has been refused simply because they are single storey and not triple storey. Over $5 million worth of building development is therefore not able to proceed. It is imperative that the Attorney-General meet with companies so affected by this debacle and assist them through the process so that the building industry is not held up.

We have now moved from a situation where at least the Attorney-General today has acknowledged there is a problem, and he has also indicated that he will take responsibility for the problem, as it is state statutes that require the insurance, and he will assist builders further. I put to the Attorney-General, if he has not been told by his advisers of the nature of the five properties for which the refusal was given, that he investigate further to ensure that this and other building projects are not held up.

The building industry is not a happy industry at the moment. They can see no good prospect for the future unless this government is able to make a decision instead of coming to this place and issuing nothing more than hollow rhetorical statements. The building industry needs action—action to move forward and progress. A number of weeks ago Labor said this was not a problem. It remains a problem; it is a serious problem. If the problem continues to move as it is, we will have building companies refusing to invest in this state and looking to other pastures, to other states.

But there is a dilemma in that, because in other states they are confronted by Labor governments as well. Labor governments have demonstrated time and time again that they do not assist the development or the prosperity of this state, and therefore they do not assist employment opportunity. I look forward with interest to Thursday to see what happens with Labor's first budget, to see if indeed the leopard has changed its spots, but I doubt very much that it has.

TERRORISM LEGISLATION

Mr HANNA (Mitchell): Today I want to make some brief general remarks about an important matter which strictly speaking is more in the national sphere. I refer to measures introduced into the national parliament, purportedly concerning terrorism. Although they are in the national parliament, they are issues which concern every Australian, and I think some mention should be made of them in this place.

It was in March this year that the federal Attorney-General introduced a package of five bills which was said to be directed against terrorism in the light of the 11 September attack on buildings in the United States last year. The bills essentially greatly increase the investigative and detention powers of our security forces in Australia. But there are some excesses, I believe, which need to be debated publicly more than they have been. For example, the initial intention of the bill was to enable the detention without trial and without communication of people suspected of terrorist activity, but just as importantly the definition of terrorism was so wide that somebody being critical of the government in a public speech, or even in a private conversation, could be brought under that legislation and taken away by our security forces and held incommunicado, that is, without being able to contact their friends, family or lawyers for an indefinite period.

After some debate amongst federal members of parliament, in particular after a lot of wrangling in the Liberal Party room itself, that is, within the body of government members, there has been some degree of watering down of that legislation so that people will not be able to be held indefinitely, assuming that all legislation passes eventually. However, there still will be some very substantial risks to the personal liberties of Australians after this legislation passes. To my way of thinking, our media has been surprisingly quiet about it. Maybe they will say more about it when the legislation actually passes; may be they will start saying more about it when people start disappearing off the street. It is not completely fanciful to say that this could happen.

There are certainly other examples in commonwealth countries of this sort of legislation being used wrongly and those powers of detention being used excessively. Even in England, which many consider our home country, there have been examples of terrible injustices, sometimes reversed after decades and appropriate judicial investigation. In another country in which I take a particular interest, that is South Africa, there were countless examples of the abuse of indefinite detention laws by the apartheid regime which was in power for about 40 years or so. Even today, when we look at the attitude of the Australian government towards David Hicks, an Adelaide boy who is being held in Guantanamo Bay, he is suspected of terrorism but, although only a suspect, he is being held in cruel conditions. Ministers of the federal government have not lifted a finger to intervene on his behalf, no doubt nodding their heads towards populism and the fear of being in any way supportive of terrorism.

However, there is something even more fundamental at stake, that is, the rule of law and the right of everyone to have a fair hearing and to have appropriate legal advice before being punished. I am afraid that will not be the case in respect of David Hicks.

BUSH BREAKAWAY YOUTH ACTION PROGRAM

Mrs PENFOLD (Flinders): We all applaud big results for a small outlay. With the 2002 budget to be delivered soon I draw the attention of the house, in particular the Attorney-General, to a program which costs only a few thousand dollars but which is achieving a high return for one of the most disadvantaged groups in our community, and which, I hope, will continue to receive funding. I refer to the Bush

Breakaway Youth Action Program at Ceduna sponsored by Tjutjunaku Worka Tjuta Incorporated (TWT)—

The Hon. M.J. Atkinson interjecting:

Mrs PENFOLD: I know—the central Aboriginal agency in Ceduna. The program works with children to curb youth crime, to break the cycle of juvenile offending and to prevent those who are considered at risk from moving into the criminal scene. The program is a partnership between the Ceduna community and key community service providers, supported by the state government. For many years the Ceduna community has experienced a range of crime issues consisting of property, personal and public order offences. Bush Breakaway addresses these issues in a manner that has already proved to be advantageous for all who are affected or involved.

The program provides young people with pathways away from offending by working with them and their families on a number of different levels. A key feature is the pairing of each youth with a mentor who works with the participant on a one-to-one basis 10 hours a week guiding, learning and monitoring progress. They do things together such as going fishing or to football training; and they share social occasions to build the participant's social skills and to develop every day living skills. All mentors undergo a training and screening process with both SA Police and Family and Youth Services (FAYS); hold a current senior first aid certificate; are trained to deal with situations where abuse may be occurring; and are studying or hold certificate 3 in community services, that is, youth work.

The project develops strong community leaders and puts the emphasis back on the role of community elders (fostered in the role of mentors and camp leaders) as vital in the lives of young Aboriginal people. Another key element is the increasing involvement of the youths' families, who have combined to form the family support group which meets fortnightly. The project has already shown strength in community cohesiveness and revitalisation, with interest and commitment to the program from across the community. The program coordinator, TWT's Chris Francis, attributes the success of the program so far to strong support from Ceduna police, magistrates, FAYS, Ceduna Area School, Crossways Lutheran School and Weena Mooga Gu Gudba women's group. The latter donated an old troop carrier to the program, a gift that has proved useful and enjoyable.

Mr Francis praised the positive feedback from parents and schools, the general community support and the acceptance of the program. Senior Sergeant Kym Thomas, the officer in charge of Ceduna police station, has given the program his full support, describing it as a great initiative with a Ceduna flavour to it. He said that if one kid can be prevented from entering a life of crime, then it was a success. Flora Rumbelow, Ceduna Area School principal, said attendance of students involved in the program has improved. As a reward for progress, a camp in the Gawler Ranges has been planned for the youths, as well as a family trip to the Head of the Bight for some whale watching.

The program arose from an environmental scan and crime statistics analysis from which the priority issue for the Ceduna community was determined as the number of young Aboriginal people involved in at risk and criminal behaviour. An early intervention approach was developed based on the need to be active early in the crime cycle in order to build the capacity of families and young people at points fundamental to their development. It is based on both national and international research, components of which have been identified as being successful in the reduction of juvenile offending, for example, the challenging offending behaviours, which all youth workers in the juvenile justice unit in Victoria use and which has been used in the United Kingdom and the Cavan Training Centre in South Australia. TWT takes on the role of community council while also hosting the community development employer program (CDEP), the major employer of Aboriginal people in the region.

HOSPITALS, WESTERN

Mr CAICA (Colton): I rise today to talk for a short time on the Western Hospital, a hospital located in my electorate on Cudmore Terrace at Henley Beach. On 25 June this year, Adelaide Community Health Care Alliance announced that it had reluctantly decided to sell the Western Hospital. Essentially, it is a commercial decision based on the fact that the alliance needs some cash flow. I thought I would alert the house to some of the history of the hospital. The Western Hospital, formerly called the Western Community Hospital, was conceived in 1955 when some concerned citizens of the Henley and Grange area approached the state government for permission to establish a community hospital utilising the existing Henley Private Hospital as a base.

During 1966, the board of management of the Henley and Grange Community Hospital saw the need for a larger hospital and again approached the state government seeking approval for such a hospital to be constructed. Approval in principle was granted and the present site of the Western Hospital was chosen. A public appeal was launched at the time, which raised some $200 000, and the hospital was built on a site purchased from the South Australian Housing Trust at a cost of $50 000. In 1972, approval was granted by the state government for a three-storey hospital to be built and equipped in stages. The state government agreed to subsidise the construction of the hospital, which was also funded through public subscription, and the state government subsidised the construction on a $2 for $1 basis. It also provided an equivalent amount as a capital grant.

In 1974, the Western Community Hospital was officially opened by His Excellency the Governor of South Australia, Sir Mark Oliphant. Since that time, many improvements have been made to that hospital, such as a 30 bed nursing home; extensions to radiology and pathology; and a day therapy centre. In 1983, the hospital complex was awarded full accreditation status by the Australian Council on Healthcare Standards. In 1992, the Australian Council on Healthcare Standards granted an Award of Excellence—a five year accreditation status. This was the first hospital in South Australia to receive such recognition. In 1995, the 10 000th baby was delivered at the Western Community Hospital. I am pleased to say that my son Simon falls amongst those numbers, and I know that the member for Enfield's daughter also was born at that hospital.

In 1998, with the increased demand for day surgery, a state-of-the-art day surgery facility comprising 20 beds was commissioned and, in April 1999, the board approved the establishment of the Western Breast Clinic as part of the hospital's move into cancer care. Interestingly, on 31 October 1999, the Western and Ashford hospitals formed an alliance—the Adelaide Community Healthcare Alliance (ACHA). On 31 March 2000, the Memorial Hospital also joined this alliance, and on 30 November 2000 ACHA acquired Flinders Private Hospital.

The decision to sell this hospital has been met with some community concern. People must understand the strong link between the community and this hospital, which they perceive to be theirs. Not only do they see that they have some equity in the hospital, given the nature of the funding, but the hospital also is staffed by people who have lived in that community and worked to support that hospital. The state government is very limited as to what it can do with respect to this hospital, given the fact that it is a private hospital.

From our perspective as the state government, we have to go about improving our public health system with respect to the pressures under which it currently finds itself. However, since the announcement by the ACHA board, I have spoken with many community representatives, including the staff and the medical specialists at the hospital, and last Friday I met with Mr Geoff Sam, the Chief Executive of ACHA. I am led to believe, through my discussions with Mr Sam, that it is not a done deal with respect to the future of that hospital on the basis that aged care specialists have been engaged to facilitate that sale. Mr Sam has informed me that the full range of options will be explored and, indeed, if there is the possibility for the hospital to remain as a hospital that can provide primary health care and acute health care to the community, that option will be fully explored. We know the difficulties that exist with respect to maternity cases (and that is happening with all hospitals), so it would seem that maternity will go. However, all options will be explored so that that hospital may remain in the service of the community.

CO-OPERATIVES (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Co-operatives Act 1997. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The purpose of the bill is to make amendments to the Co-operatives Act 1997. It is the same bill as the lapsed Co-operatives (Miscellaneous) Amendment Bill 2001. The act provides for incorporation and regulation of cooperatives and aims to promote cooperative principles of member ownership, control and economic participation. It incorporates provisions consistent with cooperatives legislation of other jurisdictions, to facilitate interstate trading and fundraising by cooperatives. In 2000, Queensland made amendments to cure anomalies identified since commencement of its consistent legislation and because of amendments to the Corporations Act. These amendments have been used as a model for proposed amendments to the South Australian act. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The bill also incorporates a few additional amendments that are, or proposed to be, made by other jurisdictions.

Key features of the bill are:

A trading co-operatives is provided greater flexibility by removing the consent of the Corporate Affairs Commission so it may make information for prospective members available at the registered office of the co-operative, and also at other offices, under section 72 of the Act.

The Act allows a co-operative to have rules to require members to pay regular subscriptions. An amendment will permit calculation of a member's subscription to be based on the member's patronage. For example, a co-operative may introduce a rule that would require members who use the co-operative more than others to pay a larger subscription.

A provision is to be included which will regard expelled members similar to inactive members for repayment of share capital. This will allow the amount paid up on an expelled member's shares to be applied as a deposit, debenture, or if the member consents, a donation with the co-operative.

Section 144 of the Act requires a disclosure statement to be provided to a member before issue of shares to the member. The bill corrects some deficiencies so the provision will apply to the first issue of shares to a member, and the disclosure statement will require approval by the Corporate Affairs Commission before issue consistent with other disclosure requirements of the Act. As an alternative, the disclosure statement for a co-operative's formation meeting may be used, providing its contents are current. Any significant changes occurring after the release of a disclosure statement would require the lodgement of a new statement that reflects the current situation.

The bill includes application of *Corporations Act* provisions designed to provide protection for members of co-operatives for the first issue of shares and the issue of debentures. These are restrictions on advertising and publicity, consent of any expert referred to in a disclosure statement, holding subscription moneys on trust, and return of moneys where minimum subscriptions stated in a disclosure statement are not received.

A provision has been included to provide protection for members in the event, for example, of consideration of any takeover of a co-operative. The amendment (new section 180A) precludes a member from voting who has agreed to sell, transfer, or dispose of the beneficial interest in, the member's shares.

New provisions will follow the concession afforded to companies, so that a co-operative that has less than 50 members may pass a specified resolution without a general meeting being held, if all members sign a document that they are in favour of the resolution. There is a requirement for minutes to be entered in appropriate records within 28 days of the meeting to which they relate. Currently, there is no time specified for the recording of the minutes. This will assist members of a co-operative by requiring that all records of meetings are to be available in a timely manner.

Amendments are proposed to allow more flexibility in the composition of the board of a co-operative. A provision will remove the present requirement for a 3:1 ratio of member directors to independent directors. This ratio is included in furtherance of the co-operative principle of democratic member control. However, it can be impractical for co-operatives that require 2 or more independent directors, resulting in boards that are larger than desirable. The ratio is substituted with a requirement that member directors are to constitute a majority on a board, with provision for a co-operative's rules to specify that there be a greater number of member directors than a majority. This is supplemented by a requirement so the number of member directors for a quorum at a board meeting must exceed the number of independent directors by at least 1, or a greater number if provided for in rules.

As a practical and accountability measure and consistent with the requirements placed on a public company, the bill requires a co-operative, for example, one that may have a board that does not include any independent directors and is therefore not subject to the aforementioned restriction, to have at least 3 directors, and for all co-operatives to have at least 2 directors who ordinarily reside in Australia.

A new provision will make it transparent that provisions of the *Corporations Act* dealing with employee entitlements apply to co-operatives. The object of the provision is to protect entitlements of a co-operative's employees from agreements and transactions that are entered into with intention of defeating the recovery of those entitlements.

The bill includes provisions consistent with New South Wales Co-operatives legislation for a director's right of access to co-operative books, auditor's entitlement to notice of general meetings and to be heard at general meetings, and members right to ask questions of the auditor at an annual general meeting.

The bill provides greater clarity about the manner a co-operative may distribute surplus or reserves to members, by providing for share holding to be considered on issue of bonus shares or dividends.

Provisions are included to give greater flexibility so it is not mandatory a liquidator provide monetary security when winding up

a co-operative on a certificate of the Corporate Affairs Commission. The bill follows a principle applying to registration of liquidators by ASIC, to permit application of policy that a liquidator may alternatively maintain professional indemnity insurance for performance of duties.

The Act applies a superseded offence of the *Corporations Act* for incurring certain debts. The bill replaces this with the offence applying to companies to place a more positive obligation on directors of a co-operative to prevent insolvent trading.

Any proposal for a South Australian co-operative and an interstate co-operative to merge or transfer engagements must be approved by special postal ballot of members, unless the Corporate Affairs Commission and the interstate Registrar consent to it occurring by board resolution. The bill provides that consent may also be given to a proposal proceeding by special resolution.

Other amendments are minor or to clarify legislative intent.

In summary, the amendments are necessary to retain consistency with co-operatives legislation of other jurisdictions.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 4—Definitions

This clause amends or inserts certain definitions in connection with other amendments to be made to the Act. The definitions of "financial records" and "financial statements" are consistent with interstate legislation and the *Corporations Act 2001*. The Act is now to make specific provision for the office of "secretary" of a co-operative.

Clause 4: Amendment of s. 11—Modifications to applied provisions

A reference to ASIC in any of the applied provisions of the *Corporations Act 2001* is always going to be a reference to the Corporate Affairs Commission.

Clause 5: Amendment of s. 14—Trading co-operatives

A trading co-operative is a co-operative that gives returns or distributions on surplus or share capital. However, it is not clear whether a trading co-operative must *actually* give such returns or distributions in order to remain as such. This is to be clarified (so that a trading co-operative will be a co-operative whose rules allows for such returns or distributions). A trading co-operative must also have at least 5 members. An amendment will allow a lesser number to be prescribed in an appropriate case.

Clause 6: Amendment of s. 15—Non-trading co-operatives

Clause 7: Amendment of s. 16—Formation meeting

These are consequential amendments.

Clause 8: Amendment of s. 17—Approval of disclosure statement

The Commission must approve a disclosure statement before a meeting to form a new co-operative. Section 17 of the Act is to be amended so that the Commission will be able to amend, or require amendments, to a statement, or require additional documents, and will be able to grant an approval with or without conditions.

Clause 9: Amendment of s. 19—Application for registration of proposed co-operative

This is a consequential amendment.

Clause 10: Amendment of s. 67—Circumstances in which membership ceases—all co-operatives

This amendment adopts more accurate terminology.

Clause 11: Amendment of s. 69—Carrying on business with too few members

This is a consequential amendment.

Clause 12: Amendment of s. 72—Co-operative to provide information to person intending to become a member

Section 72 of the Act provides that the board of a co-operative must provide each person intending to become a member with certain information about the co-operative. A co-operative may comply with this requirement by making the information available at the registered office of the co-operative, although, in the case of a trading co-operative, this requires the consent of the Commission. The requirement for this consent is to be removed, and it will now be possible to make the information available at *any* office of the co-operative.

Clause 13: Amendment of s. 73—Entry fees and regular subscriptions

This amendment will allow a member's regular subscription to be based on the amount of business the member does with the co-operative.

Clause 14: Amendment of s. 77—Repayment of shares on expulsion

This will allow greater flexibility for the repayment of an amount paid-up on shares if a member is expelled from a co-operative.

Clause 15: Amendment of s. 134—Interest on deposits and debentures

Clause 16: Amendment of s. 135—Repayment of deposits and debentures

These are consequential amendments.

Clause 17: Amendment of s. 136—Register of cancelled memberships

Section 136 of the Act requires a co-operative to keep a register of prescribed particulars relating to persons whose membership has been cancelled. The register must be in a form approved by the Commission. This approval is unnecessary given that the regulations can regulate the content of the register.

Clause 18: Substitution of s. 144

These amendments make various provisions relating to disclosure statements when members acquire shares in co-operatives.

Clause 19: Insertion of s. 145A

Certain provisions of the *Corporations Act 2001* will be applied in relation to the first issue of shares to a member of a co-operative.

Clause 20: Amendment of s. 150—Bonus share issues

Section 150 of the Act allows a co-operative to raise additional capital from members by compulsory share acquisition. This amendment will make it clear that the section does not apply to bonus share issues.

Clause 21: Amendment of s. 171—Purchase and repayment of shares

A co-operative is not be allowed to purchase shares, or repay amounts paid up on shares, if this is likely to cause insolvency, or if the co-operative is indeed insolvent.

Clause 22: Substitution of heading

This is consequential.

Clause 23: Substitution of s. 174

This amendment will clarify the application of the voting provisions of the Act to all votes on all resolutions.

Clause 24: Insertion of s. 180A

A member of a co-operative will not be entitled to exercise a vote if the member has sold, or disposed of the beneficial interest in, the member's shares, or agreed to do so.

Clause 25: Insertion of new Division

A new set of provisions will allow the members of a co-operative with less than 50 members to vote on certain resolutions by circulated document.

Clause 26: Amendment of s. 199—Annual general meetings

The first annual general meeting of a co-operative is to be held within *18* months of incorporation.

Clause 27: Amendment of s. 205—Minutes

The Act currently requires minutes of meetings to be entered in appropriate records, and then confirmed at the next relevant meeting. It is now to be prescribed that the minutes will need to be so entered within 28 days after the meeting.

Clause 28: Amendment of s. 208—Qualification of directors

The Act currently requires that there be at least three member directors for each independent director. This has been impractical in some cases. An amendment will require a *majority* of directors to be member directors. The rules will be able to require that a greater number of directors than a majority must be member directors.

Clause 29: Amendment of s. 209—Disqualified persons

Section 209 of the Act provides that certain persons must not act as directors of a co-operative. A relevant circumstance includes a case where the person has been convicted of certain offences against the *Corporations Act 2001*. A reference to section 592 of that Act (Incurring of certain debts; fraudulent conduct) is to be included.

Clause 30: Amendment of s. 210—Meeting of the board of directors

An earlier amendment concerning the number of independent directors of a co-operative is to be supplemented by a requirement that, for a board meeting, the member directors must outnumber the independent directors by at least one, or such greater number as may be stated in the rules of the co-operative.

Clause 31: Amendment of s. 211—Transaction of business outside meetings

This is a consequential amendment.

Clause 32: Insertion of new Division

The Act is now to make specific provision for the office of "secretary" of a co-operative.

Clause 33: Amendment of s. 223—Application of Corporations Act concerning officers of co-operatives
This amendment applies a relevant provision of the *Corporations Act 2001*.

Clause 34: Insertion of new Division
This amendment will make it clear that the provisions of the *Corporations Act 2001* dealing with employee entitlements apply to co-operatives.

Clause 35: Substitution of heading

Clause 36: Amendment of s. 233—Requirements for financial records, statements and reports

Clause 37: Amendment of s. 237—Protection of auditors, etc.
These amendments reflect changed terminology under the *Corporations Act 2001* in relation to financial statements, reports and audit.

Clause 38: Amendment of s. 244—Annual report
This amendment effects certain technical amendments with respect to the annual report of a co-operative. A co-operative will be required to "lodge" an annual report with the Commission (rather than "sending" it to the Commission), and the annual report will need to include a notification concerning who is the secretary of the co-operative. The terminology is also revised so as to refer to a "financial report".

Clause 39: Insertion of s. 250A
The Act currently restricts the use of "Co-operative" or "Co-op" by a body corporate registered under another Act. The Act will now also provide that a person other than a co-operative must not trade, or carry on business, under a name or title containing the word "co-operative" or the abbreviation "Co-op", or words importing a similar meaning. However, the provision will not apply to certain entities already specified in section 247 of the Act.

Clause 40: Amendment of s. 254—Limits on deposit taking
Section 254*(a)* authorises deposit taking by a co-operative that was authorised by its rules immediately before the commencement of the Act to do so. An amendment will clarify the intention that the co-operative must continue to have rules authorising it to accept money on deposit.

Clause 41: Amendment of s. 258—Application of Corporations Act to issues of debentures
The Commission may grant exemptions from the application of certain provisions of the *Corporations Act 2001* applied by section 258 of the Act. Consistent with other provisions of the Act, the Commission is to be given power to grant an exemption on conditions.

Clause 42: Insertion of s. 258A
It is appropriate to apply two additional sections of the *Corporations Act 2001* in relation to the issue of debentures—section 722 (Application money to be held in trust) and section 734 (Restrictions on advertising and publicity). (This approach is consistent with proposed new section 145A.)

Clause 43: Amendment of s. 261—Application of Corporations Act—debentures (additional issues)
These amendments address additional issues relating to the issue of debentures. An amendment will make it clear that debentures may be re-issued to employees, as well as members. The specific power to issue debentures provided by the *Corporations Act 2001* will also be applied, so as to ensure complete certainty in relation to this matter.

Clause 44: Amendment of s. 268—Distribution of surplus or reserves to members
It is to be clarified that bonus shares may be issued on the basis of business done with a particular member, or on the basis of shares held by a member, and that the issue to members of a limited dividend is for shares held by the members.

Clause 45: Amendment of s. 275—Maximum permissible level of share interest
Section 275(2) allows the Commission to increase the maximum 20 per cent shareholding in a co-operative in respect of not only a particular co-operative, class of co-operatives or co-operatives generally, but also in respect of a particular person. However, subsections (4) and (5) also provide a process for an increase in respect of a particular person. Subsection (2) may therefore be amended to delete the reference to "a particular person".

Clause 46: Amendment of s. 302—Requirements before application can be made

Clause 47: Amendment of s. 305—Transfer not to impose greater liability, etc.
These amendments provide greater consistency with language used in the *Corporations Act 2001*.

Clause 48: Insertion of s. 306A
A co-operative may apply to transfer its incorporation to a company or an association. A certificate of incorporation for the new body is conclusive evidence that the requirements of the Division relating to the incorporation have been complied with. It is necessary to ensure that a copy of this certificate is given to the Commission.

Clause 49: Amendment of s. 310—Winding up on Commission's certificate
A co-operative may be wound up on the certificate of the Commission in certain cases. In such a case, the Commission may appoint a person as the liquidator of the co-operative. An amendment will allow the appointment to be made on conditions determined by the Commission. Another amendment will allow greater flexibility with respect to the security (if any) to be provided by a liquidator appointed by the Commission in these circumstances.

Clause 50: Insertion of s. 310A
It is helpful to specify that a co-operative may be deregistered in the same way and in the same circumstances as a company under the *Corporations Act 2001* may be deregistered.

Clause 51: Amendment of s. 311—Application of Corporations Act to winding up
This is a consequential amendment.

Clause 52: Amendment of s. 333—Application of Corporations Act with respect to insolvent co-operatives
This amendment will now provide for the application of section 588G of the *Corporations Act 2001* (Director's duty to prevent insolvent trading by company), in a manner consistent with proposals interstate.

Clause 53: Amendment of s. 347—Provisions for facilitating reconstructions and mergers
This is a consequential amendment.

Clause 54: Amendment of s. 370—Commission to be notified of certain changes
This amendment will require a registered (non-participating) foreign co-operative to provide the Commission with information about any alteration to its registered address or name. Presently, such requirements only apply to a registered (participating) foreign co-operative (being a co-operative registered in a participating state).

Clause 55: Amendment of s. 376—Requirements before application can be made
Any proposal for a South Australian co-operative and an interstate co-operative to merge or transfer engagements must first be approved by special postal ballot of members, unless the Corporate Affairs Commission and the interstate Registrar consent to it occurring by board resolution. The amendment provides for a further alternative so that consent may be given to such a proposal proceeding by special resolution.

Clause 56: Amendment of s. 384—"Co-operative" includes subsidiaries, foreign co-operatives and co-operative ventures

Clause 57: Amendment of s. 426—Disposal of records by Commission

Clause 58: Amendment of s. 432—Certificate of registration
These are consequential amendments.

Clause 59: Amendment of s. 443—Secrecy
This updates a reference to ASIC.

Clause 60: Amendment of s. 449—Co-operatives ceasing to exist
This is a consequential amendment.

Clause 61: Amendment of s. 450—Service of documents on co-operatives
Section 450 of the Act relates to the service of documents on co-operatives. In the case of service of a document by post on a foreign co-operative, one option is to address the document to a place in the state where the co-operative carries on business. This cannot always be easily ascertained. Another option will therefore be to address the document to the co-operatives' registered address in its home jurisdiction.

Clause 62: Amendment of Schedule 4

Clause 63: Amendment of Schedule 5
These are consequential amendments.

The Hon. I.F. EVANS secured the adjournment of the debate.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Acts Interpretation Act 1915, Administration and Probate Act

1919, the Criminal Law (Sentencing) Act 1988, the Domestic Violence Act 1994, the Evidence Act 1929, the Expiation of Offences Act 1996, the Partnership Act 1891, the Real Property Act 1886, the Summary Offences Act 1953, the Trustee Act 1936, the Trustee Companies Act 1988 and the Worker's Liens Act 1893. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill will make a number of minor, uncontroversial amendments to legislation within the Attorney-General's portfolio. The bill includes a number of amendments that were included in the Statutes Amendment (Attorney-General's Portfolio) Bill 2001 that lapsed before the completion of debate. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Acts Interpretation Act 1915

This amendment is new to the Portfolio Bill. Many legislative provisions refer to an Act or Part of an Act and it is intended that that reference will be take to include a reference to particular statutory instruments. This cross-referencing technique relies on section 14BA of the *Acts Interpretation Act* that, essentially, provides that the reference to an Act or Part will be taken to also refer to statutory instruments made under the Act, part of Act or provision, unless the contrary intention appears. In the case of *Police v Siviour* a problem with the wording of section 14BA was identified.

The issue in *Siviour* was whether Police had power to request that a motorist submit to an alcotest following commission of a speeding offence under the Australian Road Rules. The Australian Road Rules are purportedly made under Part 3 of the *Road Traffic Act*. Section 47E of the *Road Traffic Act* requires a person to have committed an offence of contravening, or failing to comply with, a provision of this Part [Part 3] of which the driving of a motor vehicle is an element before a police officer is authorised to request that a person submit to an alcotest.

Whether the speeding offence was an 'offence … of this Part' in section 47E of the *Road Traffic Act* required consideration of section 14BA of the *Acts Interpretation Act*. All three judges of the Supreme Court in *Siviour* interpreted section 14BA of the *Acts Interpretation Act*, and its operation in the present case, differently. This amendment will clarify section 14BA of the *Acts Interpretation Act* to overcome the present ambiguities that caused interpretation difficulties in *Siviour*.

Administration and Probate Act

Section 121A of the *Administration and Probate Act* currently requires an applicant for administration or probate or an applicant for the sealing of a foreign grant of probate or administration to provide the Court with a statement of all the deceased person's assets and liabilities known at the time of the application. The section further provides that, once the administration or probate is granted or sealed, the administrator or executor of the estate is under an obligation to inform the court of any other assets or liabilities that come to his or her attention during the execution or administration of the estate.

The statement of assets and liabilities proves useful by providing essential information to a person with an interest in the administration of an estate and who is considering whether or not to bring a family provision application. It also ensures that there is a comprehensive list of the estate's assets and liabilities, which can be referred to if there are concerns about the administration of the deceased's estate at a later date.

While, in general, there are substantial merits in requiring an applicant to provide the court with a list of all the deceased's assets and liabilities, the benefits that such a comprehensive statement bring are likely to be outweighed by the cost of compiling such a statement in circumstances where the deceased's connection to Australia is tenuous. As such, the Government is satisfied that only Australian assets should be disclosed in accordance with the requirements of section 121A of the Act where the deceased's last domicile was not Australia, and where the deceased was not a resident of Australia at the time of death. This bill ensures that section 121A of the Act is amended accordingly.

Criminal Law (Sentencing) Act

Section 71(8) of the *Criminal Law (Sentencing) Act* enables the Court to deal with the situation where a person who has been given a community service order obtains remunerated employment which makes it difficult for the person to comply with the order. The section currently gives the Court two options:

- revoke the community service order; or
- impose a fine not exceeding the maximum fine that may be imposed for the offence in respect of which the community service order was made (or, if the order was made in respect of more than one offence, for the offence that attracts the highest fine).

It is the latter of these options that creates the problem. An anomaly arises because of the operation of section 70I of the Act, which provides for the court to revoke a fine which has been imposed where the defendant is unable to pay the fine and instead require the defendant to perform community service.

A practical example will probably serve to best illustrate the problem. Last year the Magistrates Court had to deal with two files where the defendants had not complied with a community service order as a consequence of obtaining full time work. Both persons were before the Court on alleged breaches of community service orders arising from the provisions of section 70I.

The first defendant (A) had an alternative sentence of 212 hours in lieu of $2 667 of unpaid penalties. The second defendant (B) had a sentence of 104 hours in lieu of $1 383. Neither of them had done any of the hours due. A's most serious offence was 'break and enter' and so theoretically A could have been fined up to $8 000—he could, therefore, have been reinstated to the full extent of the monetary penalties he owed prior to his alternative sentencing. B's most serious offence, on the other hand, was driving an uninsured vehicle which carries a maximum fine of $750, which is much less than the $1 383 owed by him prior to the alternative sentence and therefore the maximum he would be required to pay in the changed circumstances would be $750.

It is not difficult to envisage a situation arising where two people owe the same amount of money but are subject to considerable difference in their fines because of the different nature of the matters on which they were first penalised.

The bill will therefore amend the *Criminal Law (Sentencing) Act* so that the Court can impose an appropriate maximum fine, taking into account all the offences for which the original penalty was imposed (ie so that the fine cannot exceed the total of the maximum penalties that could be imposed in respect of each of the offences to which the sentence relates).

Domestic Violence Act 1994

This amendment was not included in the *Statutes Amendment (Attorney General's Portfolio) Bill 2001*. The *Domestic Violence Act* sets up a regime in which a 'member of the defendant's family' may obtain a domestic violence restraining order. The definition of 'member of the defendant's family' in section 3 of the Act does not include a child of whom the defendant has custody as a parent or guardian or a child who normally or regularly resides with the defendant. A child only becomes a 'family member' by his or her connection with the defendant's spouse or former spouse.

This situation is anomalous. The situation is shown to be particularly curious when compared to the aggravated offence of common assault against a family member in section 39 of the *Criminal Law Consolidation Act 1935* (the CLCA). For the purpose of that provision, a family member will include a child in the custody of, or living with, the defendant as well as a child in the custody of, or living with the defendant's spouse or former spouse.

The amendment will rectify this anomaly so that the definition of 'member of the defendant's family' will include,

1. a child of whom the defendant has custody as a parent or guardian
2. a child who normally or regularly resides with the defendant

Evidence Act

Section 6(4) of the *Evidence Act* requires a witness who wishes to affirm to recite the entire affirmation. Where a witness is swearing, however, section 6(1) provides a formula for swearing an oath which simply requires the witness to state 'I swear' after the oath has been tendered to him or her.

There is no need for different practices to apply to oaths and affirmations, given that they now have equal status. Further, problems can arise where the witness is illiterate or has forgotten his or her glasses and is therefore unable to read the form of affirmation.

In the Northern Territory, the form of affirmation used in the Courts is for an officer of the Court to ask the witness 'Do you, X, solemnly, sincerely and truly affirm and declare etc', to which the

witness replies 'I do'. In Victoria, individual witnesses are required to recite the whole oath or affirmation, but where more than one person swears or affirms at the same time, then those persons may be administered an oral oath or affirmation, to which the response is 'I swear by Almighty God to do so' or 'I do so declare and affirm' as appropriate.

It would seem appropriate that the same procedure apply to oaths and affirmations. The bill will therefore amend the *Evidence Act* to provide that those who wish to affirm can do so by having the affirmation read out to them and saying 'I do solemnly and truly affirm'.

Further amendments are required to the *Evidence Act* to address an anomaly regarding the form and admissibility of proof of convictions in the District Court. Sections 34A and 42(1) of the *Evidence Act* predate the creation of the District Court and deal only with convictions on indictment in the Supreme Court. These sections are to be amended to deal with admissibility and proof of convictions in the District Court in the same way as they deal with admissibility and proof of convictions in the Supreme Court.

Section 34A provides that, where a person has been convicted of an offence, and the commission of that offence is in issue or relevant to any issue in a subsequent civil proceeding, the conviction shall be evidence of the commission of that offence admissible against the person convicted or those who claim through or under him. The provision was inserted into the *Evidence Act* to abrogate the common law rule in *Hollington v Hewthorn & Co Ltd* that evidence of a conviction cannot be used to prove the facts on which the conviction was based. The benefits of the provision include ensuring that highly probative evidence is not excluded, as well as saving time and expense involved in re-litigating issues which have already been resolved, to a higher standard of proof, in prior criminal proceedings.

Currently section 34A provides that convictions other than upon information in the Supreme Court shall not be admissible unless it appears to the court that the admission is in the interests of justice. There is no justification for distinguishing between the admission of Supreme Court and District Court convictions. The amendment also removes the distinction between types of offences completely, so that convictions for summary offences are admissible in the same way as convictions for indictable offences. The current distinction confuses questions of admissibility with questions of weight. This conforms with the approach in the Commonwealth and New South Wales Evidence Acts to the admission of prior convictions in subsequent civil proceedings.

Expiation of Offences Act 1996

This is another amendment that is new to this bill. The amendment will rectify a potential problem of interpretation and application of section 14 of the *Expiation of Offences Act* that was identified by Justice Perry in *Lim—v– City of Port Adelaide Enfield Council*.

Section 13 of the Act authorises the Registrar to issue an enforcement order for an offence that remains unexpiated. Section 14 of the Act allows the person liable under an enforcement order to seek review of that order. Section 14(6) of the Act provides that;

> 'a decision of the Court made on a review of an enforcement order is not subject to appeal by the person liable under the order (but nothing in this section affects the person's right of appeal against the conviction of the offence or offences to which the order relates).'

In the Lim Case, the appellant had sought review of the enforcement order. On failing to succeed in the application for review, the appellant then instituted an appeal against the conviction for the offence for which the expiation notice was issued. The effect of an enforcement order is that the person liable under that order is taken to have been convicted for the offence or offences for which the expiation notice was issued.

The situation shows an anomaly in the present legislation. Although the appellant was unable to appeal the results of the review of the enforcement order, the appellant was able to appeal the conviction. Therefore, the appellant had two chances to challenge his guilt for the offence when the statutory policy expressed in the Act is centred on a person liable under an enforcement order having one such opportunity.

The bill will amend section 14 to make it clear that a person liable under an enforcement order may, either, seek a review of the enforcement order or appeal the conviction. A person will not be able to institute both a review and an appeal against conviction.

Partnership Act 1891

Section 10 of the *Partnership Act* provides that partners will be liable for any loss, injury or penalty incurred as a result of any wrongful act or omission of another partner acting in the course of partnership business or with the authority of the other partners.

The Law Society has expressed concern that there is the potential for partners in law firms to incur liability under this section based on the activities of their partners where those partners act as directors of outside companies. While there are times when this activity has a substantial connection with the partnership, there are other times when such a connection may be exceedingly tenuous.

In particular, if the only connection between the partnership and the directorship is that the partners have consented to the partner acting as a director of a company, or that more than one partner is a director of the company, then it is very difficult to establish the requisite connection. To hold the (non-director) partners liable for the acts or omissions of the director partner in these circumstances does not accord with the principle underlying section 10, which is to prevent partners from using the partnership structure to escape liability in circumstances where the partners derived a benefit from the acts of their partner. Therefore, the bill amends section 10 to provide that a partner who commits a wrongful act or omission as a director of a body corporate is not to be taken to be acting in the course of partnership business or with the authority of the partners' co-partners only because

- the partner obtained the agreement or authority of the partners' co-partners, or some of them, to be appointed or to act as a director of the body corporate, or
- the remuneration that the partner receives for acting as a member of the body corporate forms part of the income of the firm, or
- any co-partner is also a director of that or any other body corporate.

This is a slightly modified version of the amendment contained in the 2001 version of this Portfolio bill. The amendment now includes the provision that a partnership will not be jointly liable for the wrong of a partner acting as a director of a body corporate only by reason of the partnership sharing the income the partner receives for acting as a member of a body corporate. This provision has been included in light of comments received from the Law Society.

Real Property Act

The only Act within the Attorney-General's Portfolio which refers to the Chief Secretary is the *Real Property Act*. Section 210 of that Act provides for the Chief Secretary to countersign a warrant under the hand of the Governor in relation to acceptance by the Registrar-General of liability in claims for compensation from the Assurance Fund under the *Real Property Act.* This role would be more appropriately exercised by the Attorney-General and this bill amends the *Real Property Act* to replace the reference to the Chief Secretary with a reference to the Attorney-General.

The bill further amends the definition of 'Court' under the *Real Property Act* to clarify the District Court's jurisdiction with respect to a number of statutory matters under the Act. Several recent cases have questioned the District Court's jurisdiction in relation to the removal of a caveat under section 191 and ejectment under Part 17. These are areas in which the District Court (or its predecessors) has traditionally had jurisdiction and there is no justification for changing this position. Therefore, the definition of 'Court' will be amended to make it clear that the District Court has jurisdiction with respect to the removal of caveats and matters of ejectment.

This is a new amendment to this bill and will result in amendment to the definition of 'Electricity Entity'. Section 223LG of the RPA provides that a streamlined process for registration of easements in favour of SA Water, a council or *electricity entity*. Under that section all that has to be done to register an easement is to lodge a plan of division of the subject land with the easement delineated on it. The easement is then automatically created over that marked piece of land on the terms and conditions contained in section 223LG. The formality of preparing a formal document containing the terms and conditions of the easement and of registering that document is dispensed with.

A problem arises because 'electricity entity is defined in section 223LA as a person 'who holds a licence under the *Electricity Act 1996* authorising the operation of a transmission or distribution network or a person exempted from the requirement to hold such a licence'. Both the lessor and the lessee have an interest in the relevant system of easements and the rights that attach to them but only the lessee is licensed under the *Electricity Act* and, hence, can avail itself of the streamlined process in section 223LG to create an easement. Therefore, if the lessor and lessee are to create an

easement in common to protect both bodies' interests, the easement will have to be created by formal grant rather than by use of the streamlined system. The problem will be overcome by including the Distribution Lessor Corporation and the Transmission Lessor Corporation in the definition of 'Electricity Entity'.

Summary Offences Act

The *Summary Offences (Searches) Amendment Act* amends the *Summary Offences Act* to regulate the procedures for intimate and intrusive searches of detainees by police, including the videotaping of such procedures. While the amending Act imposes a heavy penalty for unauthorised playing of a videotape recording of an intimate search, it is desirable that there also be the ability to prescribe a penalty for breaching certain provisions in the Regulations, including the prohibition against copying a videotape and failing to return it for destruction. The bill amends the *Summary Offences Act* to include a power to make regulations prescribing penalties not exceeding $2 500 for breach of a regulation.

Trustee Act

The *Trustee Act* (s 69B) provides that applications for the variation of a charitable trust may be considered either by the Supreme Court or, if the value of the trust property does not exceed $250 000, by the Attorney-General. This amount was fixed in 1996. To maintain the status quo, the amount should now be adjusted for inflation. The amendment increases the amount to $300 000. This increase exceeds the effects of inflation and ensures that the amount will remain relevant for some time into the future. This is important given that the requirement to apply to the Supreme Court would involve a large amount of cost to a small trust.

Trustee Companies Act

The *Trustee Companies Act* regulates the powers and activities of certain bodies prescribed to be trustee companies under Schedule 1 of the Act. An amendment is required to Schedule 1 of the Act to replace the reference to 'National Mutual Trustees Limited' with a reference to 'Perpetual Trustees Consolidated Limited' to reflect the change of name of that body (from National Mutual Trustees Limited to AXA Trustees Limited to Perpetual Trustees Consolidated Limited).

Workers Liens Act

The bill makes various amendments to the *Workers Liens Act* to clarify the jurisdiction of the courts under the Act and make other changes consequent on the replacement of the former local courts with the new Magistrates and District Courts. It is not clear pursuant to the transitional provisions of the legislation relating to the transition to the new Courts that the District Court has jurisdiction under the Act. In particular, the amendments make it clear that the District Court may exercise jurisdiction under section 17 of the Act in relation to applications to direct the Registrar-General to make a memorandum that a lien has ceased.

I commend this bill to the house.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Act to come into operation by proclamation, except for sections 15 and 16 (dealing with electricity entities) which will be back-dated to 28 January 2000.

Clause 3: Interpretation

This clause provides that a reference in the bill to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2

AMENDMENT OF ACTS INTERPRETATION ACT 1915

Clause 4: Amendment of s. 14BA—References to other statutory provisions include references to relevant statutory instruments

This clause provides clarification of current section 14BA(2) which was considered necessary after the Supreme Court case of *Police v Siviour*. Subsection (2) is now split into two paragraphs with the effect that the subsection can be applied to a reference in an Act to a Part or provision of that or another Act and that reference will be read as extending to—

- statutory instruments (eg. regulations and rules) made under the Part referred to; or
- statutory instruments made under some other Part or provision of that Act or other Act as long as there is a connection between the statutory instrument and the Part or provision (ie. they deal with the same or related subject matter).

PART 3

AMENDMENT OF ADMINISTRATION AND PROBATE ACT 1919

Clause 5: Amendment of s. 121A—Statement of assets and liabilities to be provided with application for probate or administration

This clause sets out the disclosure requirements where a deceased person was not domiciled in Australia at the time of death. Disclosure need only by in respect of the assets situated, and liabilities arising, in Australia. The insertion of new subsection (7a) clarifies where assets and liabilities will be deemed to be situated where that is unclear or where they are situated partly in Australia and partly elsewhere.

PART 4

AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 6: Amendment of s. 71—Community Service orders may be enforced by imprisonment

This clause amends section 71 of the principal Act to address an anomaly that arises where the court has revoked a fine imposed on a defendant and substituted a community service order under section 70I of the Act. If the defendant is subsequently unable to perform the community service because they have obtained employment, the court under section 71(8) of the Act may impose a fine in relation to the offence or offences to which the community service order relates. Currently, where there is more than one offence involved, the maximum fine that can be imposed in this situation can not exceed the maximum for the offence that attracts the highest fine. The amendment allows for the imposition of a maximum fine that cannot exceed the total of the maximum penalties that could be imposed in relation to each of the offences to which the sentence relates. This allows the court to impose a penalty on the same basis as the original penalty (in accordance with section 18A of the Act).

PART 5

AMENDMENT OF DOMESTIC VIOLENCE ACT 1994

Clause 7: Amendment of s. 3—Interpretation

This clause brings the definition of "member of the defendant's family" into line with the definition of "family member of the offender" in the *Criminal Law Consolidation Act 1935*, by including a child of whom the defendant has custody or a child who lives with the defendant.

PART 6

AMENDMENT OF EVIDENCE ACT 1929

Clause 8: Amendment of s. 6—Oaths, affirmations, etc.

This clause amends section 6 of the principal Act so that the procedure for making an affirmation is similar to the procedure for taking an oath.

Clause 9: Substitution of s. 34A

This clause is similar to the existing provision relating to proof of commission of an offence but differs in that it now includes previous findings by a court of the commission of an offence (that is, where no conviction is recorded) and it removes the proviso that restricts the admissibility of previous offences in lower courts to where such admissibility is in the interests of justice.

Clause 10: Amendment of s. 42—Proof of conviction or acquittal of an indictable offence

This clause updates the existing reference in the Act to the "Chief Clerk", to the "Registrar".

PART 7

AMENDMENT OF EXPIATION OF OFFENCES ACT 1996

Clause 11: Amendment of s. 14—Review of enforcement of orders and effect on right of appeal against conviction

This clause amends section 14 of the principal Act in order to clarify the intent of that section, namely the consequences of pursuing a review of an enforcement order or an appeal against a conviction of an offence to which an enforcement order relates. The amendment provides that—

- an enforcement order may be reviewed by the Court;
- the outcome of that review is not appealable by the person liable under the order;
- if a review of an enforcement order is determined or pending, the person liable under the order may not appeal against the conviction of the offence to which the order relates;

- if an appeal against the conviction of the offence to which the order relates is determined or pending, the person liable under the order may not apply for a review of the order under this section.

A person liable under an enforcement order has two options, either to appeal against the conviction of the offence to which the order relates (the conviction being a consequence of the making of the enforcement order (by virtue of section 13(6)) or to seek a review of the order (on grounds listed at section 14(3)). The amendment clarifies that once a person chooses one option, the other option is closed.

PART 8
AMENDMENT OF PARTNERSHIP ACT 1891

Clause 12: Amendment of s. 10—Liability of firm for wrongs

This clause amends section 10 of the Partnership Act, which deals with the liability of a partnership for the wrongful acts or omissions of partners. The amendment makes it clear that a partner who commits a wrongful act or omission as a member of the governing body of a body corporate is not to be taken to be acting in the ordinary course of business of the partnership, or with the authority of the other partners, by reason of any one or more of the following:

- the partner obtained the agreement or authority of the co-partners (or some of them) to be appointed or to act as such a member;
- the firm gets income from the partner acting as such a member;
- any co-partner is also a member of that, or any other, governing body.

The clause further clarifies that a "member" can include a director.

PART 9
AMENDMENT OF REAL PROPERTY ACT 1886

Clause 13: Amendment of s. 3—Interpretation

This clause removes outdated references to "Chief Secretary" and makes express the District Court's jurisdiction in section 191, Part 17 and Schedule 21.

Clause 14: Amendment of s. 210—Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation

Clause 17 updates the obsolete reference to "Chief Secretary" in section 210 of the Act to "Attorney-General".

Clause 15: Amendment of s. 223LA—Interpretation

This clause substitutes a new definition of "electricity entity", namely to include as such entities "Distribution Lessor Corporation" and "Transmission Lessor Corporation".

Clause 16: Amendment of s. 223LG—Service easements

This clause inserts in s. 223LG which recognises, in the context of service easements, the leasing arrangements of electricity entities.

Clause 17: Amendment of Sched. 21—Rules and regulations for procedure in the matter of caveats

This clause strikes out from Schedule 1 "Supreme", with the effect that, on commencement of the provision, the District Court as well as the Supreme Court will have jurisdiction in respect of caveats.

PART 10
AMENDMENT OF SUMMARY OFFENCES ACT 1953

Clause 18: Amendment of s. 85—Regulations

This clause inserts a power to make regulations imposing a penalty not exceeding $2 500 for a breach of the regulations.

PART 11
AMENDMENT OF TRUSTEE ACT 1936

Clause 19: Amendment of s. 69B—Alteration of charitable trust

This clause sets an increased ceiling limit of $300 000 on the value of trust property in respect of which a trust variation scheme may be approved by the Attorney-General.

PART 12
AMENDMENT OF TRUSTEE COMPANIES ACT 1988

Clause 20: Amendment of Sched. 1

This clause updates the name of the trustee company formerly called "National Mutual Trustees", to "Perpetual Trustees Consolidated Limited".

PART 13
AMENDMENT OF WORKER'S LIENS ACT 1893

Clause 21: Amendment of s. 2—Interpretation

This clause updates the definition of "Court" to reflect the jurisdiction of the District Court.

Clause 22: Amendment of s. 17—Proceedings to compel Registrar-General to record lien in event of refusal

This clause gives express power to the District Court to direct the Registrar-General to make a memorandum of cessation of lien.

Clause 23: Amendment of s. 18—Judge or magistrate may make order

This clause removes the term "special" before magistrate, reflecting current usage.

Clause 24: Repeal of s. 35

This clause repeals section 35 of the Act.

Clause 25: Amendment of s. 36—Jurisdiction etc. of courts preserved

This clause makes a consequential amendment to section 36 with the effect of preserving the jurisdiction of any court, not just the Supreme Court or local courts.

Clause 26: Amendment of s. 42—Application of proceeds of sale

This clause provides that if the sale of goods held on lien yields a surplus (after payment has been taken by the person entitled to the lien), the surplus is to be paid to the Magistrates Court and held for the benefit of the person entitled to it.

The Hon. I.F. EVANS secured the adjournment of the debate.

GAMMON RANGES NATIONAL PARK

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this house requests her Excellency the Governor to make a proclamation under section 43(4) of the National Parks and Wildlife Act 1972 to vary the proclamation made on 15 April 1982 constituting the Gammon Ranges National Park to remove all rights of entry, prospecting, exploration or mining pursuant to a mining act (within the meaning of the National Parks and Wildlife Act 1972) in respect of the land constituting the national park.

The resolution relates to the sections added to the Gammon Ranges National Park in April 1982: Nos 1293, 1313, 1314 and 1315 out of Hundreds (Copley). The government has a clear commitment to finalise the reproclamation of the Gammon Ranges National Park as stated in our policy 'Wildcountry—a plan for better reserves and habitats'. This reproclamation will remove all mining access from this well loved national park. At this stage I commend the previous government and its minister (the member for Davenport) for their efforts in initiating this process, I am pleased to be in a position to be able to complete it for the former minister. In fact, when the member for Davenport moved the same motion last year he said:

It is clear to me—and, indeed, to the government—that the only outcome for the future is one in which this special place is protected from mining. (*Hansard*, November 2001)

The Gammon Ranges National Park has an extensive and interesting history. The Adnyamathanha people have long had association with the area we now call the Gammon Ranges National Park. The park has cultural significance to this group of people through the history and stories contained within its landscapes, grave sites and art sites and the survival of the andu (yellow-footed rock wallaby) and bush tucker. According to the Defend Weetootla website produced by Mr Bill Doyle, the greater Adnyamathanha community at Nepabunna and Iga Warta endorsed this statement from elder Mr William Austin:

Weetootla Gorge is in the heart of the Adnyamathanha country and if mining were to go ahead, the heart of our dreaming, history and connection to the land will be destroyed, never to be retrieved. There will be nothing left to show our grandchildren and their children. What is a story if you cannot show the site!

The park's draft management plan details some of the more recent history. In the late 1940s, Professor Sir Kerr Grant visited the area ironically to see the uranium prospects at Mount Painter. He said, 'This wonderful country ought to be made a national park.' Mr Warren Bonython supported this notion soon after on a radio program describing the scenic

and wilderness values of the Gammon Ranges. The Adelaide Bushwalkers group started regular walks in the area in 1947, and this commenced their longstanding support for the declaration of a park.

In 1964 an application for mining exploration was lodged over the ranges and the campaign for protection continued for six more years when the Gammon Ranges National Park was proclaimed on 30 September 1970. There were 82 000 hectares from the Balcanoona pastoral lease added in 1982, and in 1985 the Balcanoona Plains block was included, bringing the total area of the park to 128 228 hectares.

The first section was proclaimed largely for the purpose of preserving wilderness character and for the spectacular scenery. The later additions were included to build on the existing wilderness values, to enable the protection of an entire water catchment and drainage system in an arid area, and to protect an area of ecological significance due to its biogeographic and climatic conditions. Part of this significance is due to its being a mountainous area surrounded by an arid plain. This combination creates a unique environment for many endemic species. The additions also protect significant geological features including fossils and stratified rock formations of interest.

Of course, in addition to these natural attributes, the 1982 additions to the park also included nine existing mining leases held by BHP in the Weetootla Gorge area. The mining leases covered a magnesite deposit and while BHP had undertaken some preliminary work in the 1950s this deposit was never commercially developed. The additions also allowed for future rights to be acquired for entry, prospecting, exploration and mining with the approval of both the environment and mining ministers. Since that time, exploration has occurred within the park, but there have not been any applications for further mining leases.

Recent consideration of the impacts of mining in the Gammon Ranges National Park began with the application for a transfer of the existing mining leases from BHP to Manna Hill Resources Pty Ltd. The intention was to actively mine the magnesite deposit. This transfer needed the approval of both the minister for the environment and the mining minister. The previous minister for the environment—as I have said, the member for Davenport—recognised the major environmental concerns of the proposal to mine in the area including the presence of significant rare, threatened and unique species and on that basis did not approve the transfer. Following that decision the mining leases themselves expired. The matter was taken to the Supreme Court by Manna Hill Resources Pty Ltd and the decision handed down in November last year found in favour of the government.

The Hon. I.F. Evans: Hear, hear!

The Hon. J.D. HILL: The honourable member says, 'Hear, hear!' I hope that he will say that the next time he considers it as well. Whilst there is a process in place to appeal this decision to the full bench of the Supreme Court there is no legal impediment to reproclaiming the park at this time. I understand that Manna Hill Resources at the very last moment has put in an appeal.

There are many reasons for protecting the Gammon Ranges National Park from the disturbance of future mining. The park supports a diverse range of species, some of which are not found anywhere else in the world and many of which are threatened. In the 1982 additions there are 37 significant plant species. This includes 27 which are rare, six vulnerable and four endangered. Some examples include those which grow only in the Northern Flinders Ranges such as the spidery wattle and those which are only found in the Flinders Ranges including the Flinders Ranges goodenia and the Flinders Ranges spear grass.

Biological surveys undertaken by National Parks and Wildlife SA have identified significant fauna in this area as well, including three bird species, two reptile species and the yellow-footed rock wallaby. There are also other species of importance found in this area even though they are not listed as threatened. The short-tailed grass wren, for example, is restricted to the Flinders and Gawler Ranges and is one of only two endemic bird species in South Australia. Also of significance is the endemic Flinders Ranges purple spotted gudgeon, a rare fish species nationally rated as vulnerable as it relies on the springs along the Balcanoona and Weetootla Creeks within the park. This fish has been isolated in the region for approximately 15 000 years. During drought periods the population can go as low as 150 to 160 individuals.

Another key aspect of the Gammon Ranges National Park is its wilderness qualities. The National Wilderness Inventory (Environment Australia 1988) identified an area within the park of about 45 000 hectares of high quality wilderness within the 1982 additions. This is especially significant due to the limited mountain wilderness within South Australia. The park is well visited by birdwatchers from South Australia, interstate and overseas. Because of the diverse range of features including gorges, cliffs, hills and diverse vegetation associations combined with the presence of permanent water, there is an equally diverse range of birds to be viewed. Some of these, as I have mentioned, are threatened species or occur only in the Flinders and Gawler Ranges.

The protection of the Gammon Ranges National Park provides certainty to the environment of the park and the mining industry. It delivers on the government's policy commitment and adds to the long-term development of the 'wildcountry' philosophy. The permanent protection of the Gammon Ranges National Park is important to many people within South Australia and many of our visitors from interstate and overseas. To ensure that this park survives as a remote wilderness, providing a home to threatened and significant species for future generations, we need to act now to protect the park. I am glad that this is a bipartisan issue and that the opposition and the government are united in supporting this measure. I seek the support of all members today for this important motion.

The Hon. I.F. EVANS secured the adjournment of the debate.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION)(REFERENDUM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 622.)

The Hon. G.M. GUNN (Stuart): I am happy to participate in this debate. It has been interesting. We have a new government with all its enthusiasm to change history and to make its mark in its first 100 days but what have we got? It has resorted back to the tired old anti-uranium argument. We know that the present Premier led the campaign to stop Roxby Downs. He was wrong on that. When I came into parliament they led a campaign against the building of the Dartmouth Dam. They were wrong on that. They tried to stop

Roxby Downs and each major significant project of lasting benefit to the people of South Australia.

The Labor Party has not had the wit or the wisdom to take a lead and to put long-term interest first: it has been more interested in short-term political gain and political skulduggery at the expense of the people of this state. Let us just look at the situation. The Woomera Rocket Range is located on commonwealth land. The area in question is situated on Arcoona Station. What better place could there be to deposit this material that we currently have housed in the basement of hospitals close to North Terrace and other areas of the state.

Why would we not want the Commonwealth of Australia to pay the bill to establish a facility and to manage it properly to ensure that this material is housed in the best possible way at least expense to the taxpayers of South Australia? What is so unique, unusual or dangerous about that? What is it? This important issue is really rather disappointing. It must be addressed because if we do nothing what will happen? Will we build a bigger storage facility on Anzac Highway? A few weeks ago I had to go to the hospital on Anzac Highway to have an X-ray taken of a tooth. As I was walking through the corridors—I had not been in there before—I saw big signs up—

The Hon. M.J. Atkinson: Eating raw meat again!

The Hon. G.M. GUNN: No, I leave that to you, that's your style—and Don Farrell; you and Don Farrell together.

The Hon. M.J. Atkinson: The Don.

The Hon. G.M. GUNN: We will talk a bit more about that subject when we come to the Gammon Ranges debate tomorrow because—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: The Attorney-General can contribute to the debate himself.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! The Attorney-General is out of order. The member for Stuart has the call.

The Hon. G.M. GUNN: I thank you, Mr Deputy Speaker. The Attorney-General is normally not in order, we know that. However, let us come back to this issue. Why would you not want the commonwealth to pay to look after this facility? Why would you want to incur it on the taxpayers? If we must store the material ourselves why should we not use that money for more productive purposes? What is wrong with having one well-managed, effectively run facility for Australia? After all, we are one nation. Even though I strongly believe in the rights of the states we are one nation.

The Hon. M.J. Atkinson: Pity you did not get their preferences.

The DEPUTY SPEAKER: Order!

An honourable member interjecting:

The Hon. G.M. GUNN: That is right. Even after $230 000 was spent against me and they told all the untruths, I am still here. They spent their money. They taxed the little shop assistants, and I am still here—

The DEPUTY SPEAKER: Order! The house is straying—

The Hon. G.M. GUNN: And, for the benefit of the honourable member, I can come back again if I want to.

Members interjecting:

The DEPUTY SPEAKER: Order!

Members interjecting:

The DEPUTY SPEAKER: Order! My advice to the member for Stuart is not to tempt members opposite him. They do not need any encouragement. He should focus on the bill.

The Hon. G.M. GUNN: Mr Deputy Speaker, I would not want to do that. You know that I am normally limited when I get on my feet and I am easily distracted; you know that.

The Hon. M.J. Atkinson: Why is Barry Wakelin so much more popular than you?

The Hon. G.M. GUNN: Mr Deputy Speaker, you have invited me not to respond. I would like to but I will come to that on another occasion. My point is: why would the taxpayers of South Australia want to deal with extra storage facilities at Port Augusta Hospital, the Royal Adelaide Hospital and all of the other places around South Australia when the material can be effectively stored and managed on Arcoona Station just out from Woomera on commonwealth land? Of course, the total hypocrisy of this argument is that nothing was said by the Labor Party and its little functionaries when the federal Labor government transported, across the bridge at Port Augusta, semitrailer loads of this material and stored it at the range head at Woomera in leaky 44 gallon drums, and that is where it stays today.

What plan or program is in place to deal with that problem? A Liberal government did not do that—neither state nor federal. It appears to me that it had the full cooperation of the then Labor government—full cooperation, as the member for Davenport has rightly pointed out to the house. I have represented that particular area for most of my parliamentary career and I cannot see what the problem is. Many people think that we ought to take the next step.

The Hon. J.D. Hill: Including you.

The Hon. G.M. GUNN: Because millions of dollars are to be made—probably hundreds of millions of dollars are to be made—and that is something that we should think about. At the end of the day, in my view, this whole argument is nothing more than political—

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: It is all right for the Attorney-General to go on in his usual negative, carping fashion and engage in personal vilification, which is his wont, but at the end of the day the welfare of the taxpayers should be a prime priority. He is not worried about that: he wants to go down the anti-uranium trail. But we well recall when Premier Dunstan led a delegation overseas—I think it was in 1979—to investigate the uranium industry. While he was away—

The Hon. M.J. Atkinson: Peter Duncan.

The Hon. G.M. GUNN: Peter Duncan, and we know how well he is going at the present time.

Mr Goldsworthy: Where is he?

The Hon. G.M. GUNN: That is right: where is he? Why has he skipped the country? Obviously, before long, the Attorney may have to involve himself in that. Peter Duncan and Don Simmons—

The Hon. M.J. Atkinson: I will do my duty as required.

The Hon. G.M. GUNN: The Attorney might not have any alternative. It is going to be fairly embarrassing for the Attorney.

The Hon. J.D. Hill: I do not think that the Attorney will be embarrassed somehow.

The Hon. G.M. GUNN: You do not think so?

The DEPUTY SPEAKER: Order! The house is degenerating into inappropriate behaviour. The member for Stuart will address the bill.

The Hon. G.M. GUNN: I was. I was just going slightly back in history, referring to that occasion when the then premier, Don Dunstan, led, with great fanfare, this delegation

overseas to investigate the uranium industry. While he was away Simmons and Duncan undermined the whole process. Premier Dunstan had with him, of course, his chief adviser, the present Premier, Mike Rann. They returned and produced a report. That was the one where they stamped 'Confidential' on the front page and pulled off the back page, which changed the whole contents of that report. At the same time I went to the headquarters of the European Union in Brussels and got a copy of that report. That back page—

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: I leave that to the honourable member. And then—

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: If the Attorney-General wants to talk about travel we will do that on another occasion because there are some interesting questions about who was the major traveller during the last parliament.

The Hon. M.J. Atkinson: You go right ahead, but that is for another day.

The DEPUTY SPEAKER: Order! The Attorney-General is getting close to a warning if he keeps persisting. His role is to uphold the law in this state and he should uphold the rules of parliament as well—the standing orders. The member for Stuart.

The Hon. G.M. GUNN: However, having looked at this proposal at some length, having seen the benefits of the nuclear industry in various parts of the world and having looked at the industry I am absolutely amazed that we would continue to go down this politically naive track, put the taxpayers of South Australia at risk, fail to manage the products properly that we have already in storage and continue to try to create political mischief when that should not take place. As the member for Davenport indicated, this is all a part of the strategy designed to come into place at the time of the next federal election, and that in itself is a nonsense. I think that this is an unnecessary measure. It is a great pity that parliamentary time has been taken up dealing with this when we ought to be dealing with some of the more important issues affecting the people of this state.

Mrs GERAGHTY (Torrens): I rise to support the Minister for Environment and Conservation in this matter. I believe that this is a very important issue for South Australia and South Australians, and one that I have spoken on in the house on many occasions since I have been here. Prior to the election, and since then, our Premier and the Minister for Environment and Conservation have said many times, and quite clearly, that they do not want, nor do South Australians want, nuclear dumps in our state.

Earlier this year our Premier (soon-to-be Premier at that stage) made no apologies to South Australians for Labor's strong stance on the issue. He made it clear that we do not want South Australia to be known as the nation's nuclear dump site, and he has honoured his word through this bill. The Premier and the Minister for Environment and Conservation have kept their word that they are standing up for South Australians, and they will continue to fight against any measure to have South Australia become the nation's nuclear dump site.

I am very proud to be part of a team that will stand up against the bullyboy tactics of the Prime Minister and his colleagues who support this measure, and I think it is a really sad thing that they plan to plunder the South Australian Outback, particularly given that this is the Year of the Outback. I guess they have given us some cause to celebrate, haven't they?

The Hon. I.F. Evans: It's a pity Don Hopgood didn't stop it.

Mrs GERAGHTY: Well, we are certainly taking measures now to protect the environment, and I think it is a sad thing that members opposite are not standing up for South Australia and South Australians. If the Howard government gets its way, this will be some monument for South Australia! We on this side of the house are standing up for South Australia and we will continue to do so. In May of this year our Premier noted with great concern that the federal government had some $10 million, I believe, to establish two waste management facilities here. At the time, our Premier said:

> All the preferred sites for a national low level radioactive waste dump are within our state.

He said no to that intention by the federal government, and certainly, with the option of having a referendum, there is no doubt that the great majority of South Australians will also say no.

A number of years ago I raised the issue of the transportation of nuclear waste on our roads, and I believe I reiterated that in May of this year, when I also mentioned the dangers it posed for other road users and for the lands through which the waste was transported. This is still an issue for us today and it certainly is an issue that has been recognised by our government. When I raised the matter a number of years ago I had telephone calls at my office from people who also had concerns about it; in fact, from memory, a day or so after I had raised the matter all those years ago, there was a suspected leak of waste on one of our roads. Fortunately, it turned out to be rainwater coming off the drums that were being transported but, nonetheless, it highlighted the fact that we do need to be very concerned about this issue.

If we have this stuff travelling on our roadways and there is an accident, not only does it pose a danger to passengers in the vehicles that may be involved in the accident but it contaminates the soil and the environment. As we know, those contaminations are not easily remediated, if one can do so at all. So, that is one issue about which we need to be really concerned. In May this year, Premier Rann made the following comment:

> We would rather have Canberra working with South Australia, not against us. When we work together, we can achieve so much, as we have seen with the Darwin/Alice Springs rail line and with the recent investment in Mitsubishi.

That is so true. We worked with the then Liberal government for the interests of South Australia. It is unfortunate that we now see the Liberal opposition not working with the government in the best interests of the state.

This government is clearly about getting on with what is the best deal and the best position for South Australia and for South Australians, and it really is quite a pity that members opposite are not working with the government to that end. That is just a great shame. This is a very good bill for the South Australians and for South Australia. As I said, it is a great shame that members opposite do not place greater emphasis on the people of South Australia and our environment—an environment that we want to leave in good stead for future generations. We do not want them looking back at us and saying, 'You didn't care about our future.' I want to make sure that my grandchildren and their children have a safe environment to live in. I want them to look back and be proud of what we do.

The Hon. I.F. Evans interjecting:

Mrs GERAGHTY: I am surprised at the shadow minister. He has children the same as I have children; he will have grandchildren as I have grandchildren now. Surely, he, like I, would want to leave a safe future for our children, and we would want them to be proud of us. We would want them to look back and see what we have done for South Australia. I know I can safely stand here and say that the grandchildren of members on this side of the house—and if they do not have them now, hopefully they will have them in the future, as they are a delightful addition to the family—will be able to look back and be very proud of members of this government. I support the bill. I congratulate the Minister for the Environment and Conservation because he has taken a stand that South Australians clearly want, and I am sure that they are very pleased and very proud of the position that the minister has taken.

Mr GOLDSWORTHY (Kavel): I rise to speak against this bill. As some of my colleagues have already stated, this piece of legislation is looking to perpetrate nothing more than what is regarded as a political stunt. It is definitely not a cheap political stunt, because I understand that a referendum of this nature will cost the state in excess of $6 million, which could increase under certain circumstances to $10 million. That is a direct cost to the taxpayers of this state for this Labor government to manipulate a crucial issue such as the storage of low level radioactive waste for its own perceived political gain. But I can talk about the ALP later.

This bill has two primary objectives: the first is to change South Australia's position so that it will now not accept other states' radioactive waste; the second is to the give the minister an option—and I repeat an option—to call a referendum on the question of whether this state should approve the establishment of a facility for the storage or disposal of long-life intermediate or high level waste generated outside the state. Note: there is no mention of low level radioactive waste. Let us look at some facts on this issue.

Under the previous Liberal state government, the parliament passed legislation that meant South Australia was prepared to store in a national facility owned and operated by the commonwealth low level radioactive waste from all over Australia. We were not prepared to store medium level waste from other states. Let us be clear on another fact: there is no high level waste in Australia. Now the Labor government obviously wants to pull a stunt and, as I see it, the manner in which a referendum is conducted if this legislation passes both houses is fundamental in terms of the government getting the answer it wants. There is an old saying and it goes like this: never ask a question if you don't know the answer. This will be exactly how the government will look to conduct this matter.

The critical issue is: what actual question will be put to the people? I would guess that, if a question was asked along the lines of, 'Do you want a nuclear waste dump in the backyard of South Australia?' I think the majority of respondents would say 'No.' But if an intelligent question was asked along the lines of, 'Should South Australia's radioactive waste—which is currently stored in Adelaide's CBD, suburbs and country towns—be taken from these locations and stored at Australia's safest place in a purpose-built facility near Woomera?' then the response would be in the majority 'Yes.' The question could also include the issue of taking low level radioactive waste from other states. This is the crux of the matter—the way in which the question could or should be put if a referendum was to be held.

I would like to explore other parts of the argument, not necessarily debating the pros and cons of holding a referendum but looking at this whole issue of radioactive waste storage in broader terms. Most Australians benefit either directly or indirectly from the medical, industrial and scientific use of radioactive material. However, a small amount of radioactive waste results from the use of these substances. I can attest to the fact that my family has benefited from the medical use of radioactive material, and some members would know that my father was diagnosed with cancer last year. He underwent a course of radiotherapy and to our family's delight came through that treatment successfully with his cancer cured. No-one in this house would deny the benefits of such medical procedures, and it has benefited and will continue to benefit tens of thousands of Australians. However, as a result, some low level waste does remain.

In 1992, a decade ago, a project commenced to find a site to safely store this low level waste. It was last year that it was announced that a preferred site in central northern South Australia near Woomera should be selected. After this extensive and intensive 10 year period of investigation, it was found that this particular site near Woomera is, in geographical terms, one of the safest places on earth to store this material. The ground water, apparently three times the salinity of seawater, is stable, not moving and encased in rock. There is very little rainfall in this region, and the risk of earthquake is negligible. So commonsense should prevail to reveal that this is the best site in Australia to store low level radioactive waste. Some could argue that this proposed site is too close to the township of Woomera, but studies have shown that the presence of radioactive waste need not affect the image of local communities.

It is worth noting that countries such as Japan, the United States, France, Britain and other European nations have safe, purpose-built radioactive waste management facilities, including stores, close to large towns or located in areas of agricultural production. France stores some of its waste in the Champagne district. The presence of these facilities has not sullied the reputation of French champagne or the $42 billion worth of export produce. We are not proposing that, but there is also an argument that economic benefit would flow with the siting of a facility near a smaller community, which includes the employment of local contractors and the purchase of local goods and services.

But let us get back to the facts of why we need a national repository for low level radioactive waste. Australia has accumulated approximately 1 500 cubic metres of low level waste, which is stored in what are regarded as temporary sites at over 50 locations around Australia in places such as hospitals, universities and in capital city CBDs. I know that in Mount Barker, in my electorate, there is low level waste stored. I believe that the majority of people would agree that the current temporary arrangements are far from ideal and are causing continuing concern. Space at many of these temporary sites is running out.

A purpose-built repository is a responsible approach to the long-term management of this material. It is recognised throughout the world that the best way to deal with low level waste is at a properly sited, designed and operated facility, and this is exactly what we are proposing. I would like to give a clearer picture of what radiation is and to highlight the negligible level of risk of radiation from a repository. Outside

a properly designed and built facility, radiation levels are no greater than normal background levels. This means that no member of the general public, or animals or crops, would be exposed whatsoever to any radiation from the repository.

As I understand, all humans are exposed to natural radiation or what is referred to as background radiation. It comes from outer space, from the rocks and soil on the earth. There is also radiation from man-made sources, mostly medical applications. Natural radiation exposure varies according to the altitude and the geology of where we live. For example, someone living at 3000 meters is exposed to about five times the natural radiation level of someone living at sea level.

Everything we eat and drink is also slightly radioactive. Radioactive material occurs naturally in the human body. There is no difference between the radiation produced by nature and that produced by man, with most man-made radiation the result of medical sources such as diagnostic X-rays for teeth, chest and limbs. I understand that for dental X-rays the average dose of radiation is below that of taking a return flight from Australia to Europe which, in turn, is about one-tenth of the average annual background radiation exposure in Australia.

Someone standing outside the buffer zone of a national radioactive waste repository would not receive any exposure to radiation from that repository. The radiation level would be the natural background radiation level for the area. A drum of waste material going into the repository would typically have a radiation dose range from a few thousandths of a millisievert to a few hundredths of a millisievert per hour. The safe limit for occupational exposure is 20 millisieverts per year. Compare this to the average background radiation dosage level in Australia which is about two millisieverts a year.

Stringent safety measures will apply for those people working in a repository which will be constantly monitored to ensure that radioactive material does not escape from the site. Due to the short-lived nature of the material, the engineered barriers and the natural characteristics of the site, as I have previously stated, there is no possibility of any contamination of the groundwater. It makes sense: it is plain commonsense that this state builds a repository in one of the safest places in the world to store low level radioactive waste. To do otherwise puts the community at greater risk of being exposed to this radioactive waste than is necessary. We have stated as a party that we are prepared to accept low level waste from other states, not intermediate level waste from other states and not any waste at all from overseas. It is a sensible approach to an issue that will not go away, whether or not the Labor government holds an expensive referendum. I oppose the bill.

Ms CICCARELLO (Norwood): I would like to add my support to this bill and in doing so commend the new government for addressing so quickly a most critical issue for our state, and that is to prevent South Australia from becoming a dumping ground for radioactive waste. It has become abundantly clear to South Australians that the Howard government shows complete contempt for the citizens of our state in disregarding the will of the people not wanting nuclear waste stored in outback South Australia. Senator Minchin, the then minister, made it patently obvious that as far as he was concerned the government had made its decision and that it was non-negotiable. South Australia, in his opinion, was the safest place to store any waste and it was about time that we woke up to ourselves and realised what an economic fillip it would be to our economy.

In fact, we also saw Pangaea, an American company, produce a video which I seem to remember was promoting South Australia as the best place on the planet for a repository for the world's nuclear by-products. It would be interesting to see how their decision was arrived at: was it through scientific assessment or was it based on the assumption that South Australia is about as remote from anywhere as you could possibly find and, after all, so much atomic testing had already taken place here and so who really cares! One wonders if there are not places in America that could be equally suitable but perhaps there would be much more public reaction against that.

It has been interesting to listen to opposition speakers talking about this being a political stunt. It certainly is not a political stunt. We have seen the surveys indicating that almost the entire population of Australia, some 85 per cent or more, is against any nuclear waste dump in South Australia, whatever level it be. It has been said—and we know—that low level material is deposited in hospitals and institutions in South Australia. I am very familiar with that; for many years I was a member of the Women's and Children's Hospital Board and we grappled with the situation of what to do with that waste.

The minister has already indicated that the EPA will be doing an audit of the materials available in South Australia—that seems to be an eminently sensible thing—and making a decision about what should happen to it. The member for Kavel—

The Hon. I.F. Evans: So, you might leave it there?

Ms CICCARELLO: No, we might not leave it there. We would come to a solution for our own waste. We are saying that we want to look after our own waste, not necessarily everybody else's waste. The member for Kavel was talking about safety and how South Australia is one of the safest areas. We have had to listen to many people saying that the Beverley uranium mine is safe, and we saw leakages there. Recently we saw reports about the Lucas Heights reactor in Sydney. We were told that that was very safe and a new licence has been given to an Argentinian company to build another reactor and, lo and behold, what was found? It happens to be on an earthquake fault line. One wonders whose authority we will accept when the people who are controlling nuclear waste facilities say they are telling the truth. It seems very strange to me that, for something as important as this, Minister McGauran has said it will go ahead irrespective of whether we think it may be safe or unsafe. For our future generations, I think this is an eminently sensible thing for our government to be doing. We will have legislation in place which will trigger a referendum, and it will be for the people of South Australia to make their views known about something which is very important for our future and for the future of everyone coming behind us.

Today there was talk about genetically modified crops, and we talk about South Australia as being a good tourism destination because it is ecologically sound in terms of our food and wine. That has been mentioned by many previous speakers, so I will not go into it. We want South Australia to be promoted as a green state, and that certainly would not be enhanced by having nuclear waste dumps. I commend the minister for his initiative and support the bill.

Mr WILLIAMS (MacKillop): I rise today, along with my colleagues on this side of the house, to oppose this piece

of nonsense. In doing so, I will point out the moral hypocrisy of this government in bringing such a piece of nonsense to the house. I will talk about the bill, and the nonsense that a number of speakers opposite claim will be the purported result of this bill if it passes through this parliament. Might I first talk about what the bill purports to do.

The bill has two principal parts to it, the first being to redefine what is nuclear waste. It is worth noting that the principal act that this bill seeks to amend, the Nuclear Waste Storage Facility Prohibition Act, was assented to on 30 November 2000. That act was introduced to the parliament by the previous government specifically to prohibit dangerous nuclear waste being brought into and stored in this state.

Mr Hanna interjecting:

Mr WILLIAMS: Dangerous—did the member for Mitchell hear the word 'dangerous'? That is why I say this is a bit of nonsense that we are debating today and have been debating for some time. It is worth noting that this government is into its fifth month of being in power, and to my recollection we have managed to discuss three bills in this chamber. We have discussed the Supply Bill; we have increased the leaving age from 15 to 16 in our schools, and now we are discussing this piece of nonsense.

This is the government that, before the election, said it had a program, and said it wanted to change the face of South Australia and wanted to move forward. Well, it has come out over the past five months that this government did not have any policies, as we suspected and said prior to the election, it did not have any programs and it has no idea of what it wants to do for the future of South Australia. It is doing nothing but playing games and putting political stunts before the house. Let me return to the bill.

There is a change in what is currently in the principal act, which actually exempts category levels A, B and C radioactive waste from that prohibition. This seeks to introduce category A, B and C radioactive waste, as defined in the code of practice, into the prohibition. Let me talk about what category A, B and C radioactive wastes are. One of the problems we have here is that members of the government fail to understand the difference between atomic bombs and smoke detectors. They have no understanding of the nuclear industry, or of the benefits to the people of South Australia, to our communities, derived on a daily basis from the nuclear industry. They also fail to understand the effects in other parts of the world that the nuclear industry has had, but I will come back to that.

Let us talk about category A, B and C nuclear wastes. They are low level short-lived and intermediate level short-lived radioactive materials. They are materials suitable for storage at or near the surface, covered by soil, and they are like this because they do not generate any heat. The radioactivity in them is so low that they do not generate any heat, and they pose little or no risk to humans.

In fact, low level waste contains enough material to make it worth our while storing it somewhere so that people are not in contact with it continuously, but the amount of radioactivity is so low that we do not have to shield it when people are handling it. You can pick it up, load it onto a truck and cart it down the street. You do not have to shield it. It is the very stuff we all have in our homes.

We must remember that this parliament has made compulsory the installation of smoke detectors in homes across the state. My understanding is that a large proportion of the smoke detectors used in South Australia contain radioactive material, the sort of thing we are talking about at low level. So it is there in our homes—as we go about our daily lives—stuck on the ceiling, and members opposite think it will destroy the Outback. How incredible! It is there when they are cooking, watching TV, and when they are sleeping, and they, their children and grandchildren are subject to this under the obligation of the laws of this state. That is what low level waste is. Low level radioactivity is also found in other materials such as laboratory equipment, clothing, paper and glassware, smoke detectors as I said, and the exit signs which are found in most buildings where our community works from time to time. That is what we have—low level waste.

We also have included in categories A, B and C short-lived intermediate level waste. This is material which has a slightly higher level of radioactivity, and commonsense dictates that we in fact shield that, so that when we handle it we do not become exposed to the deleterious effects of the radioactive decay. But it produces little or no heat, and has a half life of less than 30 years. I hope government members understand what a half life is, because they understand little else about the nuclear industry. It relates to the rate of decay of nuclear material. It has a half life of less than 30 years.

Because it produces virtually no heat, it is also quite suitable for storage buried just below or near the surface of the landscape. Obviously the radioactivity of it will have no effect on the environment, and there is really no downside to this sort of storage. But if we leave it lying about our homes or educational institutions, hospitals or schools, there is a chance that it could cause, and I emphasise the word 'could', damage to some individuals who are constantly in close contact with it.

Ever since we have been dealing with these materials, Australia has accumulated about 3 500 cubic metres of low level and short-lived intermediate level waste. As I understand it, that is equivalent to about 50 shipping containers. We produce about 50 cubic metres more of this material each year, which would be equivalent to another shipping container. This is the quantum of the material we are talking about. It is very low level nuclear material; it has no deleterious effect on humans or the environment; and it is of quite insignificant quantum. One could ask, 'Why would we not bring it altogether from right across the nation and store it in one repository somewhere in Australia?' I think that would be just plain, simple commonsense, but, of course, we have a Labor government in South Australia today and we do not expect plain, simple commonsense.

Let me go on about the moral hypocrisy of this government and this move. Was it not the current Premier Mike Rann sitting in the state cabinet room when decisions were taken in 1993, when the decision was taken with the then federal Labor government? Was it not Kevin Foley, today's Deputy Premier, who was chief adviser to then Premier Lynn Arnold when they made the deal with Paul Keating to ship 2 000 cubic metres of this material and place it in a tin shed at Woomera? The moral hypocrisy fascinates me.

I know the Premier has been an anti-nuclear campaigner for many years. He was the man who wrote a book describing the potential mine at Roxby Downs as a 'mirage in the desert', yet he presides over a government which is quite happy to take royalties from that mine and spend it here in South Australia. He presides over a government that is happy to have that mine operating here in South Australia and exporting radioactive material all over the world for use in nuclear reactors to produce power. Yet he does not believe it is fair or safe, or whatever, to store some lab coats, some

exit signs and some smoke detectors somewhere in the desert in South Australia. That is pretty incredible. The man who sat at the cabinet table and made a deal with Paul Keating in the dark of night to bring truck loads of this stuff into South Australia, at that stage did not even talk to the South Australian people about it.

An honourable member: Hypocrite.

Mr WILLIAMS: Hypocrite.

Ms Breuer: Put it down in the South-East, if it's that good.

Mr WILLIAMS: I do not mind if it goes in the South-East. I do not mind where it goes. I am quite convinced—

Ms Breuer interjecting:

Mr WILLIAMS: Well, at the moment the member for Giles—

Mr KOUTSANTONIS: I rise on a point of order, sir. I heard the honourable member call the Premier a hypocrite. I ask him to withdraw.

The DEPUTY SPEAKER: I only heard the latter part. The member for MacKillop must not accuse a member of being a hypocrite. I did not hear whether or not he referred to a member of the house as a hypocrite. I would ask him to withdraw if he did.

Mr WILLIAMS: Thank you, Mr Deputy Speaker. I take your advice and, if I did call the Premier a hypocrite, I withdraw and apologise. Even though the actions of the Premier are hard to understand, this whole exercise certainly smacks of hypocrisy—there is no doubt about that. I think the Premier is the head of the gang—and I will leave it there. The member for Giles interjected, 'Why don't you put it in the South-East?' This can be put anywhere in the state. In fact, it is all over the state right now. My understanding, as a result of reading a newspaper article 12 months ago, is that some nuclear material is stored at the Millicent Hospital—Millicent being my home town. It is at all the hospitals around here; it is at our educational institutions; it is all over the state; it is in the homes of members opposite yet they do not want to take it and put it in the safest place identified in this whole nation. Members of the government cannot stand being called hypocrites—well, it is fascinating.

The other hypocritical thing about this whole exercise is that every one of us relies in our day-to-day life on the use of nuclear materials. Nuclear isotopes are used in measuring instruments right across the board in industry. I know they are certainly used in the irrigation field for measuring soil moisture; they are used in roadmaking for measuring compaction; they are used in measuring instruments right across industry—and obviously they are used in smoke detectors. They are used in medical treatment, as the member for Kavel pointed out a moment ago. I understand that something like 440 000 Australians a year are treated using radioactive isotopes. One only has to extrapolate, using the percentage of our population, and that would equate to 30 000 to 40 000 South Australians each year benefiting from the use of radioactive isotopes in medical procedures.

Members opposite would say, 'That's all right; we will have them use that material but we will not let them dump it in the safest place in Australia.' It is incredible. It is one of the best sterilisers, not only in the medical sector but also for sterilising all sorts of materials. It is widely used. Radioactive isotopes are widely used. By and large, when handled properly they are benign to humans and, by and large, when handled properly they are benign to the environment. Here is a classic example of how the federal government believes we should handle it properly, yet this government wants to undermine it.

That is the first thing about changing the categories to try to prevent the federal government setting up a low level nuclear waste repository in the desert. I use the term 'repository' because every member of the government uses the word 'dump' because they are trying to pick up the emotion of the average man in the street. They are playing to their emotion, and that is what this is all about.

I see the clock is winding down, but let me come to the second part of this bill which is about the supposed referendum. Here is a government that says that its priorities are health and education, yet it says that it will spend $6 million holding a referendum to tell us what we already know. Now that is fairly intelligent—and I expect no more from this lot. However, the clause in the bill fascinates me. The clause provides:

> (2) If the minister forms the opinion that an application is likely to be made under a law of the commonwealth—

I would love to know how he will determine 'is likely to be made'. It continues:

> . . . the minister may, by written notice [cause a referendum to be held].

If this trumped-up piece of nonsense was going to go any way to doing what it purports to do, that word would be 'will' or 'shall': it would not be 'may'. Why is the word 'may' in there?

The Hon. J.D. Hill interjecting:

Mr WILLIAMS: The minister will explain. Well, I can tell the minister that I know why it is 'may'. This is a trumped-up little political exercise. It is nothing to do with trying to protect South Australians. It is nothing to do with democracy—as some government members said—which will force a change of policy of the federal government and which will stop this from happening. The minister knows full well this will not stop anything from happening. This parliament, in fact, does not have the jurisdiction to stop this from happening. It is a political exercise.

The Hon. M.D. Rann interjecting:

Mr WILLIAMS: Well, Premier, I will be voting against this legislation.

The Hon. M.D. Rann interjecting:

Mr WILLIAMS: Yes, but we did not come along with this little bit of political nonsense. Let me reiterate. There is a bit of a conundrum here for the government. If this material is so dangerous that it cannot be placed in the safest place in this whole nation—and Australia is a large nation with a wide variety of geology, topography and climate—why is it that we are quite happy to have it on the ceiling in our kitchen, hallway and bedroom? Why is it that it is quite safe to have it in the bottom of the lift well at the Royal Adelaide Hospital? Why is it quite safe to have it in closets and under the stairs and behind the doors in our universities? There is a little conundrum there that I think the minister and the Premier should try to work through, because this is nothing more than a piece of moral hypocrisy.

I thought that the member for Colton's contribution the other day was the best. He acknowledged that we use this material and that it did good things in our community, but he said, 'Let's import it from someone else. Let someone else have this in their back yard and we will import the isotopes that we use in our medical industry.' I thought that that was the most absurd thing said by any member of the government—'We'll let someone else have all the waste, we'll let

someone else have all the dirty dishwater and we'll import the little bits that we need.' As I said, that just highlights the moral hypocrisy of this government on this issue.

The Hon. M.D. RANN (Premier): I have to say, talking about moral hypocrisy, was not this the government that told us that it was fair dinkum when it introduced legislation to ban a medium to high level nuclear waste dump in this state? Did members not parade themselves around—can I not remember former Premier Olsen, can I not remember ministers in the former government, saying how decisive they were by bringing in legislation that would ban a medium to high level nuclear waste dump in this state? But apparently that was not a political exercise because, as we have just heard from the honourable member, this parliament does not have jurisdiction. So, why did they go through that whole farrago, that whole fandango, of last year in order to parade themselves as somehow green, when you and I know that they would mine the gold teeth in a cemetery if they thought there was a buck in it. You and I know that they would bulldoze North Terrace institutions if they thought there was a buck in it.

Let us just talk about political exercises, because this is not a little political exercise: this is a big political exercise. Not only are we introducing the legislation to ban a medium level dump (and they all lined up, and thought it was historic in doing so): we are saying that we are banning any national nuclear waste dump in this state. And we know, and we have acknowledged—unlike the opposition—that the federal government can bring in its own legislation and constitutional powers—

The Hon. I.F. Evans interjecting:

The Hon. M.D. RANN: I will check *Hansard*. But I remember the statements made outside by various senior Liberals about how historic their legislation was. We know that the federal government—any federal government—can, in the future, use its constitutional powers. So, what we are doing is putting some politics into the equation. We are putting politics into the equation to make it much harder for a federal government to do what we know it has the power to do. If there is a trigger of a referendum, a federal government now, or in the future, has to think about the consequences of a massive vote of South Australians—upwards of 85 per cent—against a national nuclear waste dump. They will not have the intestinal fortitude to do this.

The member for MacKillop said that we do not know on this side about nuclear issues. I have probably been to more nuclear repositories and more nuclear centres than any of the members opposite put together, because I went overseas and visited fast breeder reactors. I visited Windscale, where they told us it was all safe. They had to change the name later on when a British royal commission discovered what had been going on there in terms of the biggest radiation leak in British history, about which the public were not told, and neither were the staff.

Let us talk about nuclear issues in terms of this state. We did our bit for the nation with Maralinga—and we all know about section 400. It has taken decades to get the federal government and the British government to act. I went to Britain as a minister for Aboriginal affairs to talk to the defence department and the foreign affairs department in order to maintain a campaign to embarrass the British government into cleaning up the mess that they had left behind.

An honourable member interjecting:

The Hon. M.D. RANN: And that was about politics. We managed to get BBC Bristol to come down here when the British government was totally ignoring our case, until it caught fire in the British media. How it changed them! Millions of people saw the story of Maralinga in personal terms. Then we assisted Aboriginal elders, including Archie Barton,to go to Britain to state their case to British members of parliament and the media. And, bit by bit, the British resolve to do nothing was eroded. It was about politics. Out of those politics we achieved a clean-up of section 400. Let us remember what was left there. We were told of course that, following the arrival of a British RAF VC10, I think it was, and men in space suits, all of us colonials were supposed to be impressed—'We'll dig up the plutonium and take it back home.' But, in fact, what happened was that huge amounts of dispersed plutonium, uranium, americium, caesium, strontium-90—a whole range of radioactive mess—was left in the desert.

We have done our bit for the nation in terms of being the site for British atomic testing, supported by the Menzies government in the 1950s and 1960s. Yet we hear from the hapless member for MacKillop that, somehow, we have agreed to import the stuff. That is what his political party wants to do—to have nuclear waste produced in other states taken across our borders, through our communities and along our roads. Everyone knows that all the evidence internationally is that, where material is produced, it should be disposed of close at hand, not shifted thousands of kilometres across borders and then deposited here. People must think that, after we successfully secured the clean-up of the Maralinga lands, we must now be the greatest bunnies in the world to put our hand up and say, 'Come on then, we'll be a nuclear waste dump.'

The point of the matter is this: think of the image that it would show to the world. Here we are with Food for the Future, our wine industry and our ecotourism industry about which we heard today. The biggest success we have is to market South Australia as a clean, green state that produces the best in aquaculture, and the best and cleanest in the area of food and wine. Do we really want to be known—as is New Jersey—as the dump state, let alone the nuclear waste dump state? Our competitors will be making that very clear on an international basis. I do not want us to be known, either nationally or internationally, as the nuclear waste dump state. This is about politics. It is about big P politics. It is about stopping a government of the opposition's persuasion from turning this state into a nuclear waste dump. And let them face a referendum if they have the guts to do so, because they will not just lose one seat: they will lose a raft of seats in this state. That is the nub of this legislation. We are prepared to stake ourselves on this issue in terms of a referendum. It is quite clear that what members opposite put on the statute books was based on phoneyism because, basically, they did not give a damn about whether their federal counterparts put a nuclear waste dump into this state—and people can see that by reading the *Hansard* report of their comments on this bill.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank all members for their contributions to this debate. I particularly commend the Premier for his impromptu and excellent contribution which really put the matter into proper perspective. In the time available to me, I intend to go through some of the arguments made by the opposition and, in particular, some of those put forward by the lead speaker for the opposition, the shadow minister. I

will not go through every speech because largely their arguments are repetitive.

The first argument put by the shadow minister was that this is somehow a political stunt. I think the Premier pretty well nailed that one on the head. We admit that this is about politics—we have never disguised that. If the federal government—not just the current federal government but any federal government—refuses to take account of what South Australians want, we think that we are entitled as a parliament to use politics to put pressure on the federal government. It would not be the first time that a South Australian parliament has done that. Politicians and parliaments—

The Hon. I.F. Evans: It's the first time that you've had a funded referendum.

The Hon. J.D. HILL: The first time perhaps for a referendum, but it would not be the first time that a parliament of South Australia has attempted to put political pressure on its federal colleagues. I make one point at this stage. This bill is about two things: first, it seeks to extend the ban on the storage of radioactive nuclear waste in South Australia to low level waste. The former government put through a measure in the last parliament which banned medium to high level waste, and that was done on a bipartisan basis. The second thing—

The Hon. I.F. Evans: You bipartisanly supported the phonyism, did you?

The Hon. J.D. HILL: What's the problem, Iain? You're very upset about this. Have a little rest and we'll just go through this in a calm and dignified way. The second measure in this bill is to introduce a referendum proposal if a federal government is inclined or has made a decision to store medium or high level waste in South Australia. The trigger does not apply to low level waste—and I want to make that plain, because I think some speakers on the other side were confused about that. We have chosen to make this political measure relate to medium to high level waste because we think they are the most critical and important propositions that a federal government might make which would affect our state.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: You're a very angry man, aren't you, Iain? Perhaps you need to get counselling. The opposition said that this was a clever way to fund a campaign for the Labor Party. This is not a clever way to fund a campaign for the Labor Party because I thought the opposition (the Liberal Party) had a similar view. Both sides of the house apparently are opposed to medium to high level waste being stored in this state. So, it is not just the Labor Party that believes that; apparently your side does too because you voted that way when the bill was introduced into the house. So, both sides would argue that the commonwealth—whether it be the current Liberal government in Canberra or a subsequent Labor government in Canberra down the track—not put that sort of waste in South Australia.

This is not just about the next election; this is about every federal election. If we get this measure on the books, it will not matter who is in power in this house or who is in power in that house; it will give this parliament an opportunity to put pressure on the federal government—not on a Liberal or a Labor government but on the federal government. So, this is not about giving the Labor Party an unfair advantage; this is about giving this state parliament an opportunity to put pressure on a federal government not on the particular federal government of the day.

In his address, the honourable member asked whether various agencies have been given forward estimates amounts in relation to publicity campaigns and the like. The answer to that is no. He reinforced his view in his argument by saying that this would cost $2 million. It is part of the opposition's scare campaign that this would cost $2 million which otherwise would have gone to health and education, etc. I make two points about this: first, it will not cost $2 million. The Electoral Office and the Electoral Commissioner provided information which I tabled in the house which showed that the low-cost option would be $4.65 million and the high cost option would be $5.6 million, and that would be inflated to $6.2 million in 2004 figures—if that was, in fact, the date when the referendum was held. However, if this passes, the referendum could be held on any occasion between now and that date or subsequent dates. Obviously, costs change over time according to inflation, but the point is that this is a relatively low-cost way of providing a referendum. I think if you look through the figures you would find ways to reduce those figures further. I certainly would not want to spend more money than we would have to to get this measure up.

The political parties on both sides—or all political parties, if they chose—could, of course, campaign on this. That was part of my comment when I referred to posters in streets—political parties would contribute to that campaign as they do in every other referendum—but it is certainly not my or the government's intention to spend any more than the amount that the Electoral Commissioner has indicated. But the point is that we believe that, if we get this measure through, we will not have to spend it because it will achieve its purpose, which is for the federal government to back away, because I believe that, if the federal government thinks we are serious about having a referendum on this issue, it will not proceed. It is a deterrent. If you don't have to spend it, you don't have to spend it, and that would be our preferred position.

The honourable member (in opposing this legislation) makes the point that the Labor Party 'brought bucketloads of waste into Woomera in the dead of night'. That is a rather emotive way of describing what happened, but I freely acknowledge that a former federal Labor government brought waste into this state. I think it was wrong to do that and I have absolutely no problem with repudiating what it did. My point is the same: it does not matter whether it is Labor or Liberal, if they bring waste from outside of this state into this state I am opposed to it—and I think the majority of South Australians are too. Because the Labor Party may have made a mistake in the past, that does not mean that we cannot make decisions now which are in the best interests of the state. That is what happens in politics all the time: you make mistakes, you go over them, and then you do things which are in the best interests of the state. The honourable member quoted from a parliamentary Public Works Committee report of 1999 which states:

> Removal of all radioactive waste from Lucas Heights for disposal or storage at a national repository must be a high priority and is dependent on the timely provision of the repository and store.

The repository and store are the dumps, if you like, for the low level and medium level waste. I think that quote is at the nub of the issue. The commonwealth government is keen to redevelop the Lucas Heights reactor. In order to get that reactor redeveloped, it made a political promise to the citizens of that community saying, 'Before we redevelop it, we will find a way of storing the waste that is generated at Lucas Heights. We will find a place to put it.'

Its proposal was based on finding a place for low level waste, and it identified a South Australian site. Its original policy was one of collocation, because it wanted to put the waste from Lucas Heights here in South Australia in a medium level store next to the low level repository. That was its intended policy but, because of political pressure before the most recent federal election, the commonwealth backed down and said that collocation was no longer its preferred option and that it was going through a process to identify another site. The problem is that I just do not believe that the federal government has changed its policy position. I think it is just saying that. I think that when it goes through the processes it will say that Woomera, or near to Woomera, is still the best site and that is where it wants to put it.

The essence of this is that this is not about trying to find the best place to store medium level waste; this is about trying to fix up the Lucas Heights problem that the commonwealth has. This is about trying to fix up the politics of Lucas Heights. The logical and sensible place to store the waste from Lucas Heights is, in fact, at Lucas Heights. If it is okay to have a reactor in the suburbs of Sydney with all of the dangers that may be associated with that, why is it is not appropriate, sensible and all right to store the waste that is generated by that reactor in the same place? The security systems are in place, there are the scientists who understand how to manage the waste, all of that infrastructure is there; it is just a nonsense to suggest that it is somehow better, more safe or more sensible to move that waste halfway across the continent to put it in the pastoral lands of South Australia.

In his speech, the honourable member quite rightly criticised the original referendum question which was contained in the bill. When I had another look through this before the debate I recognised the same problems. I think the referendum question that I originally tabled was inadequate. I think that it would have led to an unfair result because it contained provisions for both medium level and high level, and that was the only alternative that was suggested in the bill. When I reflected on that I sought to remove those two matters from being within the one referendum question, and I have some amendments that will address that inadequacy. I agree with the honourable member that that was not properly put, but there was no intention on the part of the government to put an unfair question to the public: it was an oversight and I corrected it before the matter came up for debate.

The honourable member also made great play of the fact that the decision by this government (the Labor Party) to extend the legislation to cover low level waste is somehow compromised because we did not put that measure in our original piece of legislation, which we introduced when we were in opposition and which the then government criticised and said was unnecessary but then basically copied some time later when it realised that the politics were going against it. It is true: I did not put this provision in the original legislation. I did not because I thought that it had no chance of getting through the parliament.

I thought that the proposition I did put had a better chance of getting through the parliament. I was after a practical outcome, which was to put a measure through this parliament that would ban the storage of medium level to high level waste in South Australia. However, I now believe the numbers are different. I think that I have a better chance of getting this measure through the parliament and that is why it is included now. The honourable member, in reference to the measures that were introduced or considered by the previous parliament, also makes great play of the fact that my original bill made no reference to the referendum proposal. That is quite true. I had not thought about it until someone saw my bill (after it had been changed by the government) and said, 'Why don't you put a referendum trigger in that proposal because this will significantly strengthen it?'

The reason I got that advice was that I sent the proposal to a constitutional lawyer and asked the question, 'What other measures can we put in place that will strengthen this measure?' That was the measure I got and that is why we did that. Somehow or other, because you do not think of it originally, there is something tricky about it. Well, that is not the case. The reason was that I had not thought about it, and when I did think about it I included it.

The honourable member also talks about the Radiation Protection and Control Act and the secrecy provisions that were a surprise to him—and, I must say, they were a surprise to me. That act, I think, is due for reform. It is interesting that, now the responsibility for those measures is within my ministry and within the EPA, those measures have come to light. I know that, in a debate prior to the election, the former minister for the environment said, 'There's no reason to bring the radiation branch into the EPA because it is in government anyway; it won't make any difference.' One difference it has made is that I now realise that secrecy provisions are within it that need to be reformed.

The Hon. I.F. Evans: You got that advice from the Department of Human Services' Radiation Protection Branch.

The Hon. J.D. HILL: Indeed!

The Hon. I.F. Evans: So you didn't need to move it to get the advice.

The Hon. J.D. HILL: Indeed!

The Hon. I.F. Evans: Indeed!

The Hon. J.D. HILL: The honourable member is making a very small point there.

The Hon. I.F. Evans: It's a valid point.

The Hon. J.D. HILL: It is a very small point. One of the most interesting points made by the opposition and the member for Davenport is that Australia's low level waste should be stored in Australia's safest place, and that point was made many times by the honourable member and by many of his colleagues. Okay, let us accept the logic of that statement. If that is true, then, surely as a corollary, Australia's medium level waste should be stored in Australia's safest place. But they do not say that because they put up a bill that says, 'No, we don't want that in our state.' If our state is identified as the place that is safest to store medium level waste, then, according to the logic that has been put by the other side, that is where it ought to be stored. But they do not agree with that because they put legislation through that would say no to that; yet they are saying we should, as a matter of logic, put our low level waste in the safest place in the country.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Members opposite talk about hypocrisy. What hypocrisy is there in that attitude? You say that we should put the low level waste in the safest place in Australia but it is okay for medium level waste, which is even more dangerous, not to be stored in the safest place in Australia. The logic of members opposite absolutely collapses on the basis of that alone. If you are going to be consistent you should approve both being stored in this state. That is why we are being consistent. We do not approve of both being stored in this state. Another matter about which the opposition made great play is to suggest and to record the

various places where waste is stored in South Australia. I would concede that waste is stored in a range of places. Perhaps it is not appropriately stored: we just do not know. That is why, as a matter of policy (which we indicated prior to the election and which we will implement in due course), we will audit waste stored in South Australia. We will give the EPA—a proper at arm's length independent body now—the responsibility to review the waste and to make recommendations about where and how it ought to be stored. It may well say that the storage facilities in some of those locations are okay and ought to be continued. It may well say that it ought to be put in a central location. I do not know; I cannot pre-empt the outcome.

I understand that the Victorian government has one central storage location in Melbourne somewhere. I think it is in a hospital (it may well be a university), but it has a central storage facility within the built-up area. From advice given, Victoria believes that is the best place to store that material. It may well be that the EPA makes some other suggestion. The former minister also makes great play of the fact that some secret plot is involved in this; that what I have really done is design it so that the EPA will eventually come and say, 'Behold, behold, the best place to put this is in the federal government's purpose-built facility', wherever that may be.

As I said to the honourable member in answer to a question he asked in question time, that is highly hypothetical. First, we do not have a facility yet, and if we have our way with this legislation we will not; so, we will have to be responsible for our own waste. Secondly, we are presupposing what the EPA may or may not say. But if a national facility were in place, and if the EPA were to say that, obviously, we would have to give that due consideration as would be sensible for any government.

Mr Venning interjecting:

The Hon. J.D. HILL: I have mentioned that.

Mr Venning interjecting:

The Hon. J.D. HILL: It is a shame the honourable member was not here during my comments, but I suggest he read them. I did acknowledge all of that, do not worry. The member for Davenport said (and I assume he is talking about the government):

> . . . if a referendum is held we will oppose it because we see no need for one.

That is very strange logic. Members opposite put through an act that said, 'We should not have medium level waste stored in South Australia.' There is a referendum that goes to the public and says: do you or do you not agree with medium level radioactive waste being stored in South Australia? Members of the former government who put that measure through would say, 'Vote in opposition to that because we don't believe in the referendum.' What hypocrisy is that? They say in here one thing and then, when it really comes down to it, they do another.

The Hon. I.F. Evans: I think you've read that out of context.

The Hon. J.D. HILL: I am not sure what page it is on; I do not have a paged version of it, but I quote:

> It is our view that if a referendum is held we will oppose it because we see no need for one.

If I have read the honourable member out of context I am happy to change my comments but that is what he said. The honourable member has introduced a number of amendments to the legislation, which I indicated the government will not be supporting. Some of those amendments relate to the referendum question and, as I said, I agree with the honourable member in limited respect that the question I originally put was an unfair question so I am intending to alter it. The member for MacKillop asked, 'Why is there a discretion in the minister? Why does it say "may"? Why not "shall"?'

The reason is that I want to have this weapon to be able to control. If the federal government were to say some time this year, 'We intend to put this dump in South Australia', and the election is, say, 1½ to two years hence, I would like to have the capacity to say, 'Right, we now have an opportunity to have a referendum. We will give you time to change your mind. You have got until this date to change your mind, and if you have not changed your mind say so publicly and we will have the referendum.' So, we will give them an opportunity. And it may well be that a future government, if the government changed in the next—

An honourable member interjecting:

The Hon. J.D. HILL: If you got back in, you may not wish to go ahead, so you will not be bound by the trigger that that is there. But if you want to change that, if you want to amend that to 'shall', we can certainly consider that. The member has a number of amendments relating to the conduct of referendums and voting in general, and he seeks to make it voluntary and not to apply fines. It is clear that the member has been speaking to his colleague Senator Minchin, because not only has he picked up a lot of Senator Minchin's arguments in relation to radioactive waste but also he has picked up his arguments in relation to voluntary voting, and he is well-known for being advocates of both those principles. If the member wants to deal with electoral policy, he should seek to amend that act and go through the appropriate processes.

I think I have covered most of the aspects that I wish to cover in relation to arguments that were used by the opposition and, in summary, I say that this is about politics. We believe we need a method to convince the federal government that we in this state are serious. Merely putting a vote through where you put up your hands and then walk away will not do the trick. We need to put political pressure on the commonwealth. This is not game playing. This is not trying to score points for the Labor Party against the Liberal Party. On this side of the house we are deadly serious about this matter. We do not want radioactive waste from the rest of the commonwealth stored in our state. We do not believe it is in the best interests of our state. We do not believe it is in the best interests of our children and their children. We do not believe it is in the best interests of Australia's families to have radioactive waste, to have nuclear waste, stored in this state—material that will take a quarter of a million years to break down. We are deadly serious about this. This is not gimmickry, these are not stunts and this is not us playing politics: this is our seriously attempting to make the federal government change its mind about where it stores Australia's nuclear waste.

Mr Venning: Where do we put it?

The Hon. J.D. HILL: 'Where do we put it?' asks the member for Schubert. Well, the answer to that question is: I believe that the medium and high level waste should be stored at Lucas Heights, where the majority of it was generated—and I indicated that in my earlier comments. In relation to the low level waste, I think it is perfectly reasonable for each state to go through an exercise of establishing its own storage facilities. Even under the proposition that Senator Minchin put (which is now controlled by another minister), it envisag-

es each state having some location where the waste is stored on an interim basis before it is transported to South Australia either once or twice a year. So, under that proposition, it envisages each state having its own central store.

An honourable member interjecting:

The Hon. J.D. HILL: I didn't say that at all. I said I think it is perfectly reasonable for each state to be responsible for its own waste. And that has been the proposition that we have put all the way through. I think it is only reasonable that, if you use the material, you should be responsible for it. We should not, however, be responsible for looking after everybody else's waste. But, as I say, we are deadly serious about this. We believe it is in the interests of South Australians and their families not to have to put up with this material for 250 000 years, and I urge members to think seriously about this and support the government's proposition.

Bill read a second time.

In committee.

Clause 1.

The Hon. I.F. EVANS: Why does the Government use the word 'referendum' in the title: I think it might be more accurately described as a plebiscite. My understanding is that a plebiscite is a vote of the community; it seeks the community's view. A referendum seeks to change the constitution.

The Hon. J.D. HILL: I guess those words are often used interchangeably. There is no referendum act in South Australia that I am aware of, and it is really just using a word to indicate the intention. This is, as you say, a vote of the people. It could possibly be called a plebiscite just as easily. I think 'referendum' has more immediacy for the public. It is a word that has better understanding. That is the reason.

The Hon. I.F. EVANS: Can you confirm for me that in the Electoral Act, 'referendum' does not refer to the changing of the constitution, whereas 'plebiscite' refers to a seeking of the community's view?

The Hon. J.D. HILL: No, I cannot confirm that. I am advised that the word 'referendum' is normally used.

Clause passed.

Clause 2.

The Hon. I.F. EVANS: Assuming the government has its way and the bill is passed by both houses, can the minister give some indication as to how long it will be before the bill is proclaimed?

The Hon. J.D. HILL: Whatever the standard range of possibilities for proclamation are. I have not made a decision about the process of proclamation, but there is no intention to do it in any unusual way.

The Hon. I.F. EVANS: The regulations for this bill cannot be made until it is proclaimed, and obviously it cannot be proclaimed until it is passed. The regulations of the bill will set out the rules under which the plebiscite or referendum is held. What I am trying to establish is the time frame in which the parliament will get to see the regulations that set out the rules of the referendum or the plebiscite. I appreciate that the minister is new to his job, but some bills are held up for proclamation for some years. An example was evident in parliament today: if I heard the Minister for Recreation, Sport and Racing correctly, he tabled the regulations in relation to the Martial Arts Bill, which I think was passed by the parliament in 1999 or 2000. Within what sort of time frame will it be proclaimed, a year or six months? That will ultimately give some guide as to when the regulations—the rules under which this public debate will be held—will be before the parliament for it to consider.

The Hon. J.D. HILL: It would be in a standard time. There is no intention to delay this. We intend to proclaim this measure as soon as possible. But whatever procedures have to be gone through have to be gone through. It is not our intention to delay this for years. It is something we want on the books and want to be able to activate when necessary.

Clause passed.

Clause 3.

Mr VENNING: There has been some debate about Woomera being the preferred site. Because we are in the dispute with the commonwealth government, is Woomera the preferred site purely because it is commonwealth property? If the two governments were not opposed to the measure, we could pick another area—probably even more suitable—that may not be on commonwealth ground? Has the government chosen Woomera purely because it is commonwealth land and we, the state, cannot stop it?

The Hon. J.D. HILL: Some might think that. That would be inferring improper motives on behalf of the commonwealth government, because it has said that it would choose the safest site, as the member for Davenport kept pointing out to the house. If it had chosen a site that was on commonwealth land to avoid some sort of scrutiny, that would be improper behaviour. However, I do not believe that to be the case. The government genuinely went through an exercise and identified a number of properties, some of which were of equal value, and then it may well have chosen the one that was on commonwealth land. I really cannot answer the question beyond saying that.

Mr VENNING: I know the minister is opposed to this, but if we had to have a site, is the minister happy that Woomera is as good as any site?

The Hon. J.D. HILL: I am not sure of the relevance of this to clause 3. I have said that our view is that, if we are to store radioactive waste in this state safely, we will have the EPA investigate all the waste currently stored in the site and make some recommendations to us about how to better store it. I cannot pre-empt what it may say. It is a hypothetical question about my opinions; I do think it really relevant to this measure.

Mr VENNING: I heard what the minister said earlier about the government's options about each state storing their own low level waste. I presume then that, if we in South Australia were to store our own low-level waste, it would be at Woomera.

The Hon. J.D. HILL: You can assume that, but I do not know why you would.

The Hon. I.F. EVANS: Clause 3 sets out new definitions and also inserts a new clause containing the following definition:

> 'Code of Practice' means the *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia* (1992) approved by the National Health and Medical Research Council and published by the Australian Government Publishing Service. . .

How is that code changed?

The Hon. J.D. HILL: The code operates under the Australian Radiation Protection and Nuclear Safety Act of the commonwealth and would be altered under that act.

The Hon. I.F. EVANS: I understand that it would be altered by some act, but is it a delegated power to a public servant to change? Is it the responsibility of a federal minister to change? Is there federal parliamentary scrutiny over the change?

The Hon. J.D. HILL: I understand that a public consultation process is involved, but on the final decision I cannot tell the honourable member how the process is determined, but I am happy to get the information for him.

The Hon. I.F. EVANS: I would be pleased if the minister would do so, because he is now inserting into the bill, possibly the act, this concept of code of practice meaning the code of practice for the near surface disposal of radioactive waste. That code could be changed and may well trigger different questions in this parliament's mind in the future. So, I would have concerns if it was a delegated authority to the federal bureaucracy that had the power to change that code. I would appreciate, in the time between when the bill passes this place (assuming that it does) and its debate in the upper house, the minister providing information to the opposition on how that is changed.

I know the minister will not have the answer to this question now, but can he provide it at the same time as the other information? Is it possible, through a change in the code, for a minister or bureaucrat in Canberra to change the definition or operation of the code to allow certain waste to be excluded from the operation of this bill? By changing the definition of the code, does that somehow sneak through waste not covered by this bill?

The Hon. J.D. HILL: The honourable member makes a perfectly valid point, which I concede and will happily get an answer for him. It would be highly unusual if such an important matter was delegated to a public official, but it may well be. If it is the case I will certainly look at it and we may need to address that issue. I point out, however, that if this matter is passed through this parliament, if the parliament is concerned at some stage in the future by some change to the code of practice, it is within the power of the parliament to change the measure and restore it to what it was hitherto.

Mr WILLIAMS: I am a bit concerned about the answers given to the questions asked by the member for Schubert. I understand the minister has said that we do not want to accept low level nuclear waste from any other state because it is so heinous. Yet, he has also said that he does not want to leave it in suburbia, in our homes, hospitals and so on and that we will look for somewhere to put it. Am I right to assume, with regard to the answers the minister gave to the member for Schubert, that no work has been done at state level to find a safe repository for these low level wastes?

The Hon. J.D. HILL: I understand that is the case, but your party was in government for eight years and we have been here for only four months. We are going through a process to establish a proper regime so this can happen. Part of that is to ensure that radioactive waste issues are controlled by the EPA, which we have strengthened in a number of ways and will continue to do so. We have transferred the functions of the radiation branch to the EPA and now have the capacity to do these things. As I have indicated on a number of occasions today, our policy position is that we will review all the radioactive waste stored in South Australia and develop a policy where the EPA will make recommendations on where or how it ought to be stored. It may say that all the places where it is currently stored are adequate (although that is unlikely) and that we do not need to do anything. Alternatively, it may say that a disaster is waiting to happen and we need to take urgent action. We need to go through that process first.

Mr WILLIAMS: Does that mean that the EPA will reinvent the wheel and go over all the ground covered by the commonwealth study into this?

The Hon. J.D. HILL: The first question was whether it has happened, and the answer is no. Clearly if there is evidence or information obtained by another authority, it would be prudent for the EPA to take that into account, but it is an independent body now and will go through this exercise in its own way. Being professionals and smart people, obviously it will look at other evidence as well as going around and physically inspecting and examining the sites we have in South Australia.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. I.F. EVANS: What legal advice has the minister taken in relation to the constitutionality of the proposal to ban the transport interstate of low level waste? In particular, does it breach the Australian Constitution, which dictates free trade between states?

The Hon. J.D. HILL: First, I will respond to a question that the member asked prior to the break. He asked how the code of practice might be amended and we will certainly get an answer for him on that. The point is that it does not really matter, because the clause refers to the code of practice that is in place currently, as of 1992. Even if the commonwealth were to change the code of practice—whatever measure it used—that would not affect this bill, because this code of practice, as of now, is frozen in time in this bill. It could change it in any way it liked: that would not change the way this bill would work, because the standard that is applied is the current code of practice for the near-surface disposal of radioactive waste in Australia, as of 1992. I hope that partly explains the situation.

Regarding my legal advice, as the member would know, the commonwealth has supreme powers in all these matters and, as he knows in relation to the bill that he introduced, the measures or provisions that would seek to stop radioactive waste being stored in this state or brought into this state can be overturned by the commonwealth. This is really a kind of act of defiance, if you like, a statement of intention or a statement of our position that we do not believe it should be here and that we have introduced a law to provide that it should not be here. But, of course, the commonwealth has the constitutional power to override these measures. That is why the referendum issue is critical: it is a political action rather than a legal action.

The Hon. I.F. EVANS: I will further explore that. The point I am trying to clarify is that there may well be a trade in the sale of waste. There may well be industries that rely on the sale of waste, and I am wondering how this bill deals with the issue of interstate trade. As I understand it, you are proposing that no Victorian waste, for instance, can come into South Australia. If a South Australian business relies on the purchase of Victorian waste, how is that dealt with under this bill? Just answer that one first.

The Hon. J.D. HILL: I understand the issue that the member raises and, as I say, there are constitutional powers which will override the measures that we are putting in place. But, as he would know in relation to other pieces of legislation, particularly the container deposit legislation, states can take action to protect their environment or to preserve a certain set of amenities, and that arguably interferes with interstate trade. As long as the measure is reasonable and, as I understand it, consistent with the protection that is being sought, there is not a particular problem.

The honourable member will no doubt remember the occasion some years ago when the state attempted, by

legislation, to increase container deposits fourfold from 5¢ to 20¢. A case was taken to the High Court by the Bond Corporation and it was successful because it was found that it interfered with interstate trade. I guess the point they were making was that, while it is appropriate to have that measure for a level of environmental protection, if it goes beyond that and becomes a taxing measure, or whatever, it could well interfere with interstate trade.

I am not sure how this measure would fit into that general category but I am sure with that understanding, arguably, a measure to defend our environment against things which might hurt it would be defensible, but that would be up to the High Court.

The Hon. I.F. EVANS: Has the minister taken specific legal advice on whether the proposal to ban the transfer of waste between states breaches the Australian Constitution in respect of free trade? Has he taken specific legal advice and, if so, what was that advice?

The Hon. J.D. HILL: The simple answer is no.

The CHAIRMAN: The member for Davenport has had three questions.

Mrs REDMOND: Further to the questions asked by the member for Davenport, in relation to that question of interstate trade, what happens in the case of glass and the like? As the minister is aware, glass and all sorts of laboratory equipment can be category A waste, low level waste, and could theoretically be traded interstate. Does the same thing apply?

The Hon. J.D. HILL: The same thing applies in the sense that I have not sought advice on that issue but I just point out to the member and to the member for Davenport that a provision about transport applied in his legislation, as well. He could advise the committee whether he sought advice and, if so, what it was. I do not see the relevance of it to this particular measure. If the member wants to elaborate on what the issue is, I am happy to answer it, but having to guess what it is that the questioner is trying to get to makes it a bit difficult.

The Hon. I.F. EVANS: I will take the opportunity to speak to this clause, having asked three questions. I understand that I have the right to speak three times for 15 minutes.

The Hon. J.D. HILL: As I understand it, the three occasions for speaking include the three questions.

The CHAIRMAN: It is three strikes, I believe, member for Davenport. Other members can ask three questions or make a statement or ask a question.

The Hon. I.F. Evans: There might be one more question.

The CHAIRMAN: We are in a very tolerant mood. If it is just further amplification of one that the honourable member has asked, we will allow it without taking up the time of the committee.

The Hon. I.F. Evans: You pulled me up.

The Hon. J.D. HILL: The member says that I pulled him up. I was not pulling him up, but just taking a point of order on what the standing orders are. I am happy to be tolerant, if you so desire it, Mr Chairman, to allow the member to ask further questions on this point if he wants to get clarification. It is not that I am trying to stop him debating the issue. He does not need to get petulant about it.

Clause passed.

Clause 4.

The CHAIRMAN: We now come to the mother of all clauses. There are eight pages of amendments and another amendment is on its way. Members will need to be tolerant and show some goodwill because many of these amendments are consequential and it will be quite tricky dealing with them. It is logical, I think, for the amendment moved by the member for Davenport to be considered first. Page 5(2) is on the amendment file. Members should have eight pages, pages 5(1) to 5(8). We are talking about the first amendment on page 5(2) to be moved by the member for Davenport.

The Hon. J.D. HILL: Can I ask for clarification as to why it is logical for the amendments moved by the member for Davenport would have precedence over the one I moved prior to his? It is really amending the same section. It is the establishment of the referendum question.

The CHAIRMAN: The reason is that the first reference of the member for Davenport is after line 6, whereas the first of yours is after line 14. We are dealing with them in sequence. Member for Davenport, do you wish to move the amendment standing in your name?

The Hon. I.F. EVANS: I do. But before I do, when I move this, I will speak to it. Does that count as one of the three strikes?

The CHAIRMAN: No, the three strikes rule does not apply in this case. You are speaking to your amendment.

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

Page 4, after line 6—Insert:

'low level nuclear waste' means Category A, Category B or Category C radioactive waste as defined in the Code of Practice;

This amendment seeks to bring some balance to the referendum question. I note that, following the opposition's lodging its amendments when the minister first brought in the bill, the minister has gone away and re-thought his own question. He referred to that in his address to the house.

This amendment seeks to insert two other questions in relation to low level nuclear waste along with intermediate nuclear waste. It is really trying to identify as best we can the suburbs in which the various levels of nuclear waste are stored within South Australia, making that public to the best of our knowledge today, and asking the community whether they want the radioactive waste stored in those suburbs—I will not read them all—or whether they wish them stored in a purpose-built licensed facility in remote Australia, or in a facility near Woomera.

We proposed these amendments because we think it is important that there is balance in the referendum question if the referendum is to proceed at all. We think this focuses the community's mind on the nub of the question. The government has said that it will have the EPA review where the waste is stored, and the EPA will make a recommendation and the government will consider it. None of that will happen, of course, more than likely before the referendum, and the amendments that the minister is contemplating in relation to the radiation protection act and the secrecy provision may not be through the house if he moves at all on that provision.

What we are trying to do here is focus the community's mind on the question: do you want your radioactive waste stored in the suburbs around Adelaide or towns in South Australia, or do you want it stored in a purpose-built facility either at Woomera (in the case of low level), or somewhere in Australia (in regards to intermediate or medium level)? We think this brings the appropriate balance to the referendum question. To simply ask the questions proposed by the minister we think lacks an educative role in the referendum question. For instance, it was some surprise to the Bedford Park residents of my electorate when they found out that radioactive waste was stored in the vicinity.

The CHAIRMAN: I point out to the member for Davenport that the sheet that is being distributed at the moment is the table's view of the consequential impact of these amendments. It is up to the committee, the mover and those responding to ultimately determine the fate of the amendments, but this is the considered view of people wiser than myself and it is for guidance only.

The Hon. I.F. EVANS: Thank you, Mr Chairman. So at this stage the amendment leaves in place the government's question, although I understand that there are other amendments that might deal with that and that they add two more questions. We see no reason why the community should not be aware when going to the poll for the referendum that radioactive waste is stored at places such as the Royal Adelaide Hospital, the University of Adelaide or the Waite Agriculture Research Institute or in suburbs such as Bedford Park, Mile End or Norwood. And we think, in fairness, that if you are going to ask people about the storage of radioactive waste it is fair that they are asked whether they want it left in their suburbs or whether they want it in a purpose-built facility.

It will cost little more for the Electoral Commissioner to go through this process. We have checked with him and, in effect, his reply is that once you have one question it does not matter how many questions you ask; there is a small extra printing cost in relation to the information for the second and the third question but, as far as actually distributing it and those sorts of things, the marginal cost increase is very small. So we argue that the community deserves to know not only where the radioactive waste is stored but also, because people are going to the polls, they deserve to be allowed to indicate to the government not only whether they want the questions about where future radioactive waste will be stored and whether it should come from interstate but also the right to be asked the question about what should happen to the existing radioactive waste that is already stored in our suburbs.

Of course, this does not affect the government's referendum question: this amendment does not take into account that question. This amendment simply adds to the government's referendum question. So this will be an interesting test to see whether the government wishes to seek the view of the community not only on the future of radioactive waste and where it is stored but also the existing waste and where it is stored in South Australia.

We know roughly where it is stored, and the secrecy provisions of the Radiation Protection and Control Act supposedly prevent even the minister and the parliament from knowing where it is stored in South Australia—and we might ask some questions on that when dealing with this amendment. But we think it is important that people have a chance to express a view in relation to these particular questions because at this stage, as we understand it, the electorate will be going to the referendum not knowing what the government's position is in relation to the storage of the radioactive waste that currently exists within South Australia. We do know that it is stored in a range of towns and suburbs. We know that. We know that people are licensed to deal with radioactive waste, but the community does not know where it is. And the government's response to this is that it will have the EPA do an independent investigation into the storage of the radioactive waste, make a recommendation to government and then the government will make a decision in regard to how and where it is stored.

It seems to me that, if the EPA is doing a review and the government is yet unfixed as to where it will store it, it is an ideal opportunity to ask the South Australian public where it wants it stored. It will be no extra cost to the government to ask that question and get that response, but the people of Bedford Park in my electorate, if given the choice, I suspect would vote to put it in a purpose-built facility and not leave it at Bedford Park. Bedford Park is on a fault line and I suspect that they would suggest that it was better placed in a facility designed for that particular purpose.

The government, ultimately, will get one or two recommendations from the EPA. It can use the federal facility, the one it opposes; it can build its own facility, whether that be in outback Australia, metropolitan Adelaide or another town; it can leave it where it is; or it can be a combination. I think the government has some duty to the voters when it goes to a referendum to tell them where it will store it, because that will have an effect on their vote. When people roll up to the referendum that might be held under this bill, they will want to know where the government intends to store the radioactive waste that has been created in South Australia. Will it be in the federal facility that this government opposes? Will it be building its own facility? Will it be left in Bedford Park, Norwood and all the other suburbs? The minister needs to give a clearer indication.

If members believe the leader in his contribution tonight, he said there is some sense in having it stored close to where it is produced; and even the minister hinted at that in one of his responses—I think a response during the second reading debate. If members believe that is the philosophy of the Labor Party, then radioactive waste that is created in the suburbs through our industries and medical institutions will be left there. The government will leave it there, even though a purpose-built facility is available at Woomera.

If the government is not going to use the purpose-built facility at Woomera, that is easy: rule it out tonight. If that is not on the agenda, rule it out tonight, and then we will know that it will not be at Woomera. We will then know that the state government will either build its own facility or leave it where it is. If it intends to build its own facility, we need to think that through. The minister in his second reading speech, or in answer to an earlier question during this debate, said that the EPA officers were smart people—and I accept that, having worked with them—and that they would seek information from the other institutions. It was in response to the member for MacKillop, who raised the question, 'Will the government go through the whole process that the federal government has gone through over the past 10 years in trying to search South Australia for South Australia's safest spot?'

I can tell the minister—the EPA and the radioactive protection branch know this already, as does everyone in South Australia—that the safest place in Australia for low level waste happens to be the site selected at Woomera, one of the last four sites, all of them in the Woomera area. It does not matter what review the EPA does or what information it picks up from the federal government: the safest spot will be one of the four sites adjacent to Woomera. If the government is not going to waste the taxpayers' money to get the EPA to go through this elaborate review process to come up with that conclusion, it might as well tell us tonight the simple answer to the question.

If the federal facility is available to the state government, will the state government use it? If the answer is yes, that is fine; we know it will use a facility that it opposes. If the answer is no, then I believe the government needs to set out

for the parliament what process the EPA will go through to establish that site. What are the guidelines? What are the references? What is the cost? The cost to the federal government is about $10 million to build the two facilities. What will be the cost to South Australian taxpayers to build their own facility?

We have sat here for three or five months, or however long we have been in opposition, listening to the Treasurer trying to convince everyone there is a $300 million black hole. If there is a $300 million black hole, will you have in your forward estimates money for a new state storage facility? You can certainly advise the committee of that. The budget is fixed by now; it would be at the printers by now, to be delivered on Thursday. The government must indicate whether it will build its own storage facility for this waste. The other option available to the government is simply to say, 'We're not going to do anything; we're going to leave it where it is.' This comes to the point of the amendment.

This amendment gives the community the chance to say, 'We don't like the policy option being considered by the government of leaving it in the suburbs. The community's view is that it should be taken out of the suburbs and placed in purpose-built storage facilities.' That is the point of this amendment. This amendment costs the government little more, it does not amend the government's question and it gives the community a greater say in the storage facilities. I seek the committee's support for this amendment.

The Hon. J.D. HILL: The government will not support the proposal moved by the member for Davenport. As I have said before a multitude of times, this bill is about the politics of turning the commonwealth government around; it is not about raising other matters in the—

The Hon. W.A. Matthew: It's all about politics, is it?

The Hon. J.D. HILL: I have never said other than that; we are being totally honest about this. It is not about having trick questions and trying to get people fearful about suburbs where nuclear or radioactive waste is stored. On a technical point, the questions which the honourable member has moved to include list a number of places where radioactive waste can be stored. I have not checked the details, but I assume he is accurate in his description of those places. By the time this measure is put into place, which may be a number of years hence, the radioactive waste may not be stored at those places, because we will have gone through an EPA review and may have settled on another place to store this waste, so it would be a nonsense provision.

In addition, the first of those questions refers to remote Australia, with 'a purpose-built licensed facility in remote Australia.' That presupposes what the commonwealth government is planning to do in relation to the storage of long-lived intermediate nuclear waste. It has not made that decision yet and if the federal government were to change it may make a different decision and it may be stored at Lucas Heights, which would certainly be my preferred place for it to be stored. Similar kinds of issues can be raised in relation to the second question; the locations may change over time and may not be in those kinds of places. We are totally honest about this: the basic point is that this is about politics. We want to turn the federal government around, not raise a whole lot of questions. I could come up with a dozen questions about all these issues, but that is not the point of this. The point of it is that the federal government is focusing on South Australia as a place to store radioactive waste, and medium level radioactive waste is a possibility. We do not want them to do it and will use this bill for this referendum question to try to stop them.

The Hon. W.A. MATTHEW: I support the amendment moved by the member for Davenport. The reason for my support is simple: the minister has indicated that this entire bill is about politics. It is about politics but, if the political process is to be accountable, honest and open—and those are words that are continually preached by the Labor government—

Mr Koutsantonis interjecting:

The CHAIRMAN: Order! The member for West Torrens is out of his seat and out of order for interjecting.

The Hon. W.A. MATTHEW: I thank you for your protection from the member for West Torrens, Mr Chair; he clearly has no idea what he's talking about, but that's nothing new. It is important that the process be open and honest, and in his opposition to this clause that is clearly something that the minister is attempting to avoid. What is wrong with South Australians being informed about the current storage of nuclear waste? What is wrong with South Australians having an opportunity to cast an opinion at a referendum as to their concern or otherwise about the present storage of nuclear waste and indeed storing that waste at a remote location versus that where it is presently stored?

The fact is that it does not suit the Labor Party's agenda to have the community truthfully informed about nuclear material, nuclear waste and the nuclear issue. It does not suit their politics to have the community truthfully informed. The reason it does not suit their politics is that the Labor Party made hay out of this issue in the lead-up to the last election. The Labor Party dishonestly used this issue in the lead-up to the last election. It dishonestly used the situation at the uranium mines in our state.

It dishonestly portrayed the situation at those mines. In fact, it caused enormous grief to some of the honest companies that were mining uranium in our state through its dishonest public utterings—so much so that the Labor Party's rantings reached publications such as the *New York Times*, which reported on uranium mines here in Australia as a direct consequence of the dishonest distortions publicly put about by the Labor Party in the lead-up to an election. Truth did not matter to members of the Labor Party in the arguments they put forward at that time, and truth certainly does not matter to them in the argument they wish to put forward now—which, as the minister at least has had the decency to confess to this chamber, is about politics.

If the Labor Party is dinkum about being honest with the electorate, the electorate deserves to have an honest chance to respond with a viewpoint. The member for Davenport has clearly put to this committee that the amendment he has moved offers no more cost to the taxpayer, no more cost to the government, other than that of printing the extra questions on the referendum ballot sheet. But it offers South Australians the opportunity to focus on what is presently happening with our nuclear waste. It is fair to say that many South Australians still would not be aware that nuclear waste is stored within the suburbs and towns of our state. Many South Australians would not be aware that they live within kilometres, or closer, of present storage facilities for nuclear waste. They deserve to know that, and they deserve to have the opportunity to make a selection for an alternative site. Instead, what we are really seeing is dishonest politics and a bit of 'not in my back yard' syndrome played by the Labor Party.

At the end of the day, what is wrong with having nuclear waste stored in one central repository somewhere in a safe place in Australia? As I and many of my colleagues on this side have put forward during the second reading debate on the bill, and have continued to put forward at the committee stage, the commonwealth government has moved through this issue exhaustively and has determined four sites near Woomera to be the safest sites in Australia for the storage of nuclear waste.

Ms Rankine: So, do you think we should take the waste from all over Australia? Is that what you are saying?

The CHAIRMAN: Order! The member for Wright is out of order.

The Hon. W.A. MATTHEW: The member for Wright interjects that we should take the waste from the rest of Australia—

Ms Rankine interjecting:

The CHAIRMAN: Order! The member for Bright will ignore interjections.

The Hon. W.A. MATTHEW: The Labor Party may care to reflect on the fact that it was the Keating Labor government that actually moved nuclear waste from other parts of Australia into South Australia.

Members interjecting:

The Hon. W.A. MATTHEW: The Keating Labor Government. It is a fact.

Ms Rankine: What do you think? What do you support?

The Hon. W.A. MATTHEW: We live in one country called Australia. It is our duty as Australians to find the safest, most appropriate place for the storage of nuclear waste. The safest, most appropriate place for the storage of low level nuclear waste has been determined to be at one of four sites near Woomera. They are sensible locations in which to store this waste. If the member for Wright wishes to seek my viewpoint, I refer her to my second reading speech: she will see it clearly documented there. The words are clear, I stand by what I said and I will continue to say so. It makes good sense to put this material in a safe place. But the member for Wright and her colleagues would much rather have this nuclear waste stored in locations within our suburbs. Is that what the member for Wright is saying—that she would like to see nuclear waste continue to be stored in suburbs? That is what the member for Wright would like to see. The member for Wright would not like to see nuclear waste stored safely, appropriately, in a remote part of South Australia. That is what the member for Wright said.

Members interjecting:

The CHAIRMAN: Order! Members are getting a bit carried away with themselves. The member for Bright has the call.

The Hon. W.A. MATTHEW: Thank you again for your protection, Mr Chairman. The amendment moved by my colleague makes good sense. It provides an open, honest opportunity for South Australians to be educated about the issue. It provides an open, honest opportunity for South Australians to have a say in the issue of nuclear waste through to its storage, and any government that does not support an open, honest opportunity can only have an agenda that does not match that criterion.

The Hon. I.F. EVANS: The amendment names the suburbs and towns in South Australia where the radioactive waste is stored, and your officers have provided advice that, under the provisions of the Radiation Protection and Control Act, they are unable to release details—

The Hon. J.D. Hill: Could you repeat that?

The Hon. I.F. EVANS: The amendment deals with the locations in South Australia where the radioactive waste is stored. Your officers have provided advice to me that section 19 (I think) of the Radiation Protection and Control Act—the secrecy clause, as we call it—prevents the parliament from knowing exactly where in South Australia the radioactive waste is stored. Has the minister sought Crown Law advice on the officers' interpretation of that section? From memory, the section provides that they can reveal the location of the sites if it is in the normal course of their duties.

I would have thought that when a member of parliament asks about the location of radioactive waste as part of a debate in the house that that would be part of their duty to reveal that information. Has the minister sought Crown Law advice as to why the parliament cannot be advised of the location of the radioactive waste?

The Hon. J.D. HILL: Section 19 of the Radiation Protection and Control Act 1982 provides:

> A person who is engaged or has been engaged in any office or position connected with the administration of this act shall not, otherwise than in the performance of the duties or functions appertaining to that office or position, divulge or communicate any information obtained by virtue of that office or position.

The advice that I have received is that the information derived from this survey is not in the public register. Consequently, detailed information on the location of radioactive waste in South Australia cannot be provided. The commonwealth government, however, has previously placed information on its web site showing the approximate locations of low-level and intermediate-level radioactive waste. Many of these sites correspond to universities and hospitals, such as in the Adelaide CBD and North Adelaide, as well as regional locations, such as Whyalla and Loxton.

In relation to Crown Law advice, I certainly have not sought it, and I am advised that my officers have not, either. I can advise the member that we are looking at reviewing this particular provision, because it seems unnecessary to me. However, we are working through it to ensure that members of parliament and others who have a right to know are given that information. The honourable member may be right. It may be argued that the interpretation placed upon this provision by officers is too narrow but, as I understand it, that is certainly the way they have behaved for many years in relation to this, and I have not sought further advice.

The Hon. I.F. EVANS: This is the point that I am trying to establish. Section 19 provides:

> A person who is engaged or has been engaged in any office or position connected with the administration of this act—

that would be the public servants—

> shall not, otherwise than in the performance of the duties or functions appertaining to that office or position, divulge or communicate any information obtained by virtue of that office or position.

It seems to me that their duty or function is to respond to a request from the parliament. As I understand it, the minister is saying that the officers believe that they cannot divulge this information to anyone, not even the minister. Is that not right?

The Hon. J.D. Hill: I didn't say that. Is that a question?

The Hon. I.F. EVANS: No. I will continue. If that is so, will the minister agree to stop debating the legislation tonight so that we can delete this provision and come back and debate the amendments when all of the suburbs and locations within South Australia are known? If that is not the minister's view, if it is his view that the minister can know, then why can

parliament not know, because I am sure that many people in South Australia would be interested to know where the radioactive waste is stored. My interpretation of this provision is that they can advise the minister and then, through the minister, the parliament. I am pursuing this, because in the middle of this clause it provides:

> . . . otherwise than in the performance of the duties or functions appertaining to that office or position. . .

It is the duty or function of any public servant to respond to a ministerial or parliamentary request, so we are asking them to go outside the provisions of that act. This clause provides:

> A person who is engaged or has been engaged in any office or position connected with the administration of this act shall not, otherwise than in the performance of the duties or functions appertaining to that office or position, divulge or communicate. . .

So, if it is outside their duties or functions, they cannot divulge it but, if it is part of their duties or functions, they can divulge it. That is my interpretation of this clause. As I understand it, the minister says that he has not sought Crown Law advice on the officer's advice. Will he please clarify his understanding of this provision on my reading of it?

The Hon. J.D. HILL: I am happy to go into this, but I must say that it is irrelevant to the bill. This is a provision under the radiation act. As I said, I believe that that act needs to be altered, and we will go through that process, but it is not relevant to this act. It may be relevant in passing to the amendments to my bill that the honourable member wants to pursue, but I fail to see the connection. I have not sought legal advice because it has not been an issue for me, and I have not sought advice from the Radiation Branch because I have had responsibility for that branch only for a week or so and the questions asked by the honourable member were, I think, asked of one of my officers in the department of environment prior to my becoming responsible for this particular act.

When that officer was asked those questions, I believe that the Radiation Branch was not able to give him that information, because that was not part of their normal duties. Having just sought advice now from the officers, I understand that if I seek to get that list of names it will be provided to me as long as the officers have that list of names, and then I can give that information to the house. As I say, however, that is not relevant really to my bill; it is certainly not relevant to any of the clauses that I have before the house, but that is my understanding of it. If members so desire I will seek further information from the officers and provide a formal written response.

Mr KOUTSANTONIS: Several locations in my electorate store low level radioactive waste. Representatives of one of the factories—the name of which I will not mention—came to me when I mentioned the factory's name in a newsletter and asked that I not disclose its exact location. It was just after 11 September and they were very nervous about any form of violation of their security system. I understand the opposition's concern about knowing where these places are, but is it the government's intention to make them publicly known or is some sort of threat analysis carried out?

The Hon. J.D. HILL: I think that is a very good question. It may well be that the secrecy provisions were introduced for reasons along those lines: I am just not sure. It would be worth while looking at the 1982 *Hansard* report to see what was said at the time. There is, obviously, a security issue. I do not think that the member for Davenport is suggesting that we give street addresses: he is asking which suburbs are involved. I do not see that there would be a particular security problem in that. I would be very reluctant to give individual addresses, I must say. If the information were available and it was sought, I guess that I could show it on a confidential basis to individual members.

The Hon. I.F. EVANS: I am a little annoyed about what has happened in relation to this issue. I certainly appreciate the minister's answer. So that all members and the minister are aware of what has happened, as is the normal process, the minister's office contacted my office about giving me a briefing in relation to this issue. The appropriate public servants and the minister's environment adviser met with me in my Parliament House office and gave me a briefing. I raised three or four questions in relation to that briefing. One question I raised (and this is the only question to which I have received a response, by the way) was: could you provide to me a list of the locations, a list of the suburbs, where the radioactive waste is stored?

It is that briefing note, minister (from which both the minister and I have just been quoting), that is telling us that we cannot have access to that information. I should say that I telephoned the public servant and asked that question and, quite rightly, the public servant said, 'I will provide the answer through the minister.' I said, 'That is due process. I do not have a problem with that.' There is no criticism here with respect to that process. The minute from the public servant states:

> I refer to your telephone request on 28 May for information on the locations of storage of low level/intermediate level radioactive waste in South Australia.

The minute then mentions the most recent survey, which tells us that, roughly, there were 217 registered radioactive sources considered by their owners to be waste. Of these 185 were in a category that may be suitable for disposal in the national low level radioactive waste repository as proposed by the commonwealth and 32 were in a category not suitable. The minute further states:

> As you are aware—

and then it quotes that secrecy provision. As the recipient of that memo and as a member of parliament, I believe that a fair interpretation of that minute is that I am not allowed to have access to that information.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No, that is not right. The answer the minister just gave—

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No. With due respect to the member for West Torrens, this is a request to the public servant, through the minister, as a result of a ministerial briefing on proposed legislation before the house. It is part of the public servant's duty to provide the information as required. I have been given information that says that it is not available to me. Now, when I ask him on the floor of the house, the minister tells me that it is available to me. From 28 May until 9 July the opposition has been denied the information about which suburbs and in what quantities the radioactive waste is stored.

That is unfair, or unfortunate, I think, because we were moving, and have moved, amendments on that exact point. That is why I am annoyed by the process, because I have been denied the information, as has the opposition, for something like seven or eight weeks in preparation for the debate. For all we know, the 217 registered radioactive sources may be in 200 suburbs, and there will be members of parliament voting on this amendment in the next half an hour

or so who may have a different view if they know that radioactive waste is sitting in their electorates' backyard. That is why this amendment is important in my view, and that is why I have said to the minister, and I will put it to him again—that I will give him the opportunity to abandon the debate now and get the information. We will then reconsider the amendments and continue the debate at another time when the information is available.

The Hon. J.D. HILL: I thank the member for that invitation to terminate the debate, but I do not intend to do so. I know that is what he would like me to do. I will just go through the process a little. I recall when I was the shadow minister for the environment I put questions on the *Notice Paper*, I think, on more than one occasion attempting to find out this information, but do you think I could get it out of the responsible minister of the day? Not on your Nellie.

Ms Rankine: Who was that?

The Hon. J.D. HILL: I am not sure now, but I could not get that information. It was not provided to me. I tried at least once, and I think twice, to get that information. I received a perfunctory statement saying, 'There has been a survey of the waste,' and all the rest of it. You would not, as a government, give the information to me. I am not saying I will play by that standard, but let us just put things in perspective. As I say, I have been responsible for this legislation now for about nine days. When the information was sought by the member I was not responsible for this particular act, and I, too, was surprised by the secrecy provisions. I have not explored them in any great detail, though the more I hear about them the more worrying I think they are. But I want to have a close look at the act, and the government will go through the process. However, I will request my public servants to provide me with the information that is available—a full list of suburbs. I think the public—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: The member asked me a question and then chooses to have a conversation when I try to answer it.

The Hon. I.F. Evans: You're assuming I'm not listening.

The Hon. J.D. HILL: What did he say?

Mrs Redmond: You're assuming he's not listening.

The CHAIRMAN: Order!

The Hon. J.D. HILL: It makes a farce of it. I am treating this seriously, sir, because I think it is a serious matter. I was going to say to the member I think the public does have a right to know where radioactive waste and other waste is stored in our state, not down to the street basis, but I think which suburbs in a general sense. I think the public has an absolute right to have that knowledge, and I will request the information from my officers and I will provide what I can to the member. This bill, if it goes through, will eventually go to the upper house, and I will make sure that the information is provided to him before it is dealt with by the other place.

Mr KOUTSANTONIS: I just sought to make the minister aware that during the last campaign my Liberal opponent, who was not a member of parliament but a candidate, was informed that radioactive waste was stored in my electorate, and he used that as a political campaign. Now, I was elected as the member and I was not given that information, but the Liberal candidate was. So, I think there is a double standard and I hope that you remove that sort of double standard in future.

The Hon. J.D. HILL: I am not sure that was a question, but I thank the member for his comments, and if he provides me with some documentary evidence I will look into it.

Mr Koutsantonis interjecting:

The CHAIRMAN: Order, the member for West Torrens! I will put the amendment moved by the member for Davenport, and indicate that, if this amendment is lost, then obviously all of the sequential points of his amendment on page 5(2) become redundant.

The Hon. I.F. EVANS: Which other amendments do you say are contingent on this one? This is a stand-alone amendment. This adds questions to the referendum: it does not amend any of the existing questions on the referendum. The other amendments, as I read them, try to change the existing referendum question, not add questions to it. So, they are actually different principles.

The CHAIRMAN: My interpretation is that, if the definition falls because the amendment is lost, the rest of your amendments on 5(2) are redundant.

The Hon. I.F. EVANS: Only 5(2)?

The CHAIRMAN: Yes, only 5(2).

Amendment negatived.

The CHAIRMAN: We come back to amendment 5(1), standing in the name of the minister.

The Hon. J.D. HILL: I move:

Page 4, lines 14-18—Leave out all words after 'Minister and that' and insert:

one of the following questions, selected by the Minister, be submitted to the referendum:

Do you approve of the establishment in South Australia of a facility for the storage or disposal of long-lived intermediate and high level nuclear waste generated outside of South Australia?

Do you approve of the establishment in South Australia of a facility for the storage or disposal of long-lived intermediate nuclear waste generated outside of South Australia?

Do you approve of the establishment in South Australia of a facility for the storage or disposal of high level nuclear waste generated outside of South Australia?

I think the member for Davenport made this point in his remarks, and I picked up the same issue. I guess I had not studied it as closely when I saw the first draft, but when I looked at it in more detail I was aware that there was a bias in this question, and I wanted to remove that. There is only one question, and that is: do you approve of the establishment in South Australia of a facility for the storage or disposal of long-lived intermediate and high level nuclear waste generated outside South Australia?'

The commonwealth government has said that it will not support overseas waste being stored in South Australia. So, to include that element—if in fact all they wanted to do was to have Australian intermediate level waste brought into the state—would make it a loaded question. So I wanted to make it absolutely plain that we are not trying to do anything unfair; rather, we are trying to get an accurate measure of what the people think about what the government actually intends to do. My amendment, in fact, has three possible questions and only one of them could be put, and it basically keeps the one that is in the current legislation and then allows two alternatives. The first of those relates only to long-lived intermediate waste while the third relates to high level nuclear waste.

I note that the member for Davenport in amendment 5(8) seeks again to amend this question and place only one of those three—which is the middle of my two questions—in the bill. I would not be overly concerned if my measure were to go down and that were to succeed. However, I think it would

be prudent to keep the alternatives in the bill because who knows what some future government may attempt to do? It may well be that we regret this if at some stage—and it might be years hence—a federal government attempted to put high level waste in South Australia. So it seems to me prudent to keep it there as an option. But, as I say, the real focus is on the long-lived intermediate waste which is the most likely waste to be stored in South Australia.

The Hon. W.A. MATTHEW: I am particularly interested in the way that these questions are not only put to the electorate, should this referendum occur, but also the way in which South Australians are informed about the issue. I would like the minister to explain to the committee how it is that he proposes to educate South Australians about the issue, regardless of which of the questions he may choose, should this referendum become necessary. How does the minister propose to advise South Australians about the issues? Will you be putting out a referendum pack and, if so, what sort of information will be in that pack, so that all South Australians can become fully aware of the important ingredients of this issue and so that they can cast their referendum decision with knowledge?

The Hon. J.D. HILL: If I refer the member to the State Electoral Office of South Australia docket dated 13 May, which I tabled in this place some time ago, he will note that $1.6 million is provided for the preparation and dispatch of yes/no cases, info and roll close, and how and where to vote. So the only provision of information that I would foresee would be that which is envisaged by the document put out by the State Electoral Commission. I think the normal provisions are that there is a team, or a person, who is identified as the author of the yes case, one for the no case, and they put their argument. It is then circulated among voters. I would imagine though, in addition to that, political parties and interest groups may wish to campaign as well.

I can envisage various groups, including the Labor Party, campaigning on this issue and putting their own resources into it, just as people do in other referendum campaigns. I can also imagine mining companies, for example, involving themselves in the campaign on the other side of the issue. That is the way a democracy works. The only contribution that would come from the government—and this is my intention—would be a simple statement in an advertising campaign that would be run through the State Electoral Office.

The Hon. W.A. MATTHEW: I am aware of the material that the minister tabled. I appreciate that a particular format is usually followed in such referendums. It is more the way in which contributions will be sought for the literature that is being put out by the government rather than those that will join the public debate through the media that I am interested in. He mentioned, for example, mining companies. At this juncture, I seek an assurance from the minister that any material that should be so drafted would invite mining companies and researchers in the nuclear and radioactive materials industries to contribute material.

My concern, to be blunt, is that ragtag, left-wing groups like South Australian Nuclear Free Future and a whole lot of other leftist groups that directed their preferences to the Labor Party at the last state election would not simply be called upon to put a case as, effectively, Labor's pay-back to them for the preferences they distributed. After all, the minister, on his own admission, has already told the committee that this whole bill is about politics. I want to try to determine the extent to which the politics is stretching in this process.

The Hon. J.D. HILL: I can only make the point again: we are talking about small 'p' rather than big 'P' politics. The politics we are on about is trying to make the federal government—whichever its political colour—not proceed with a radioactive or nuclear waste dump in South Australia. As I said, if it is passed, this bill will be on the books for as long as this parliament determines it stays there. It may be 10 or 15 years before it is used. So, it could be a Labor government in power nationally which might wish to do one of these things. Who knows? I do not think the honourable member should assume that it is about a particular kind of political framework. The provisions we would go through are the ones that I have just described. We would have an official yes and no case. The republic debate is the most recent referendum I can think of, and there was an official yes and no case which was put together by teams of people who formed groupings around both those positions. I would imagine we would go through the same process in relation to this.

Mr GOLDSWORTHY: In the last three lines of the minister's amendment he refers to a facility for the storage and disposal of high level nuclear waste. Also in the bill, clause 4, around line 7, the minister refers to high level nuclear waste. Will the minister explain why we refer to high level nuclear waste when we do not have any of that in Australia?

The Hon. J.D. HILL: I agree we do not. This is to cover all potential eventualities. The bill that the former government introduced also referred to high level waste, because it provided that we are banning it, even though the commonwealth has stated that high level waste will not be allowed into Australia from overseas. I guess when the honourable member's party was in government, he did not trust them either so he put this in here to be overly cautious. So, we are going through the same process.

The Hon. W.A. MATTHEW: The minister's good answer was interesting, but I come back to the point being pushed by the member for Kavel: is it not a fact that this is simply all about politics and the design by the Labor government in referring to high level nuclear waste within this question is simply to try to scare the living daylights out of the South Australian community, to try to scare the South Australian community into believing that a Labor government will protect it from waste that does not even exist in South Australia and Labor's way of paying back their left-wing mates who preferenced them at the last election?

The Hon. J.D. HILL: It is good to have the member for Bright in good form. I repeat myself but expand on my repetition. I made the point that the commonwealth government has said that it will not allow high level waste to come in. The facts are that prohibition of radioactive substances, including wastes, is by regulation 4R of the Customers (Prohibited Imports) Regulations. Under this regulation, the committee will be pleased to note, radioactive waste may be imported with written approval of the Minister for Health or a person authorised by the minister. With the stroke of a pen the minister can allow this waste to come in. We may have a change of government. There is no legislation to stop that at a federal level and the new minister, at the stroke of a pen, may decide to import this material. It is prudent to have this measure in our bill. The former government, when in power, in its introduced base bill provided for the same matter. Your bill covered this issue, as does ours.

The CHAIRMAN: Before putting the amendment moved by the minister, it is the view of the chair that, if this amend-

ment is carried, amendments 5(3), 5(6) and 5(8), standing in the name of the member for Davenport, would be irrelevant.

The Hon. I.F. EVANS: Will the minister advise who will write the yes case and who will write the no case?

The Hon. J.D. HILL: The Electoral Commissioner will supervise the process. I cannot say exactly who he will get but, as I said in relation to other referendum issues, there is normally a 'yes' case group and a 'no' case group. When issues are decided between the parties—I cannot think of a case where the Labor Party is on one side and the Liberal Party is on the other—

Mr Koutsantonis: The republic.

The Hon. J.D. HILL: No, it was not quite that simple. Usually we do not put up referendums on that basis. If that were the case, the Labor Party would write one case and the Liberal Party the other, but there could be a coalition of interest that would form around each side that would write it. Ultimately it would be in the control of the commissioner.

The Hon. I.F. EVANS: I might speak a little bit before I ask the next question, because that is not my understanding. My understanding is that the Electoral Commissioner performs no function other than the distribution of the yes and no case. It is prepared by others and the Electoral Commissioner takes no responsibility for the content of the yes case or the no case—

Mr Koutsantonis: Don't you trust us, mate?

The Hon. I.F. EVANS: Well, I rang the Electoral Commissioner and asked him, and, in defence of the Electoral Commissioner, he gave some very good, impartial advice in relation to what happens in regard to this issue. I asked the question, 'Who does prepare the yes case or the no case?', and the way I understood his advice was that essentially it was up to others to prepare, other than him. The minister, as I understand it, indicated that the Electoral Commissioner would seek out the yes group and the no group and arrange for that case to be written. That is not my understanding of his advice to me. I may have it wrong and, if I do, I will apologise. I understand his advice was that others—and I assume that means government—organise the yes case and the no case and then he simply distributes it.

The minister might like to clarify whether he has sought advice from the Electoral Commissioner about the mechanics of the referendum, or the plebiscite, on how it exactly works in regards to who prepares the yes case and who prepares the no case. If the government is going to prepare the yes case and the no case, and we have already been told by the leader that is a big P political issue, and we have been told by the minister that it is a small p political issue, then it will be a farce—if the government is preparing the yes case and the no case for a referendum, which it is having, on its own admission, for nothing other than political purposes. So the minister needs to clarify whether he has sought advice from the Electoral Commissioner about the operations of the referendum in respect of writing the yes case and the no case and who takes responsibility for the factual information and the couching of terms in the yes case and in the no case.

The Hon. J.D. HILL: I thank the member for Davenport for his question. I have not sought advice from the Electoral Commissioner on this matter and if I have overstated my views on this I apologise, too. But, as I understand it, and I have said in relation to questions that have previously been asked, I think that what normally happens in a referendum is that two coalitions form around both cases and it becomes apparent who the authors of the cases will be. I can seek advice about what has happened in the past. We have had plenty of referendums in South Australia and Australia over the years: daylight saving was one of them, and the referendum over the changes to the Electoral Act which brought in the so-called fairness provision was one in recent years that I can recall. I will find out how the yes and no cases were produced in both of those, but our intention is to use a fair model which would properly allow both sides of the case to put their views.

The Hon. I.F. EVANS: My understanding of your ruling is that if this gets through then my amendment seeking to restrict the question to only those matters in relation to intermediate level waste will be ruled out. So, I will take the opportunity to speak about this amendment and outline a case for the opposition's amendment.

The CHAIRMAN: What we should do is vote on each of these separately. We will vote on the amendment moved by the minister, so that it will become three questions as specified on the document 5(1), as specified by the minister.

The Hon. I.F. EVANS: I will speak to the minister's amendment then and pick up the point made by the member for Kavel in relation to the three questions as to why—I think the member for Bright also made the point—the words 'high level waste' are in the questions, and the inflammatory nature of that question in the referendum.

What the government has really been on about is the debate as to whether a national facility for storing intermediate level waste should be built in South Australia. We note that it does not want a referendum question on whether low level waste should be stored in South Australia, even though the final location has still to be decided from four possible sites. There is to be no referendum on that question, so it appears that it is all right for us to be a low level storage state and the public will not get a say on that. However, they will get a say on whether we are an intermediate level storage state and, even though there is no proposal for high level storage in South Australia or, indeed, Australia, they are going to be asked a question on that.

Everyone in this place knows that, if we leave the words 'high level waste' in the questions, that will have a greater influence on the no case, which is the government's case in regard to these questions. There is no need to have the words 'high level waste' in the referendum questions. If the scenario that the minister outlined in relation to someone in Canberra changing by the stroke of a pen the ability of high level waste to come into Australia, I suspect, although I might be wrong, that the Australian public would know about it the next day, and, given the way Canberra works, probably the day before it was done. There would be a public debate right there and then about high level waste coming into Australia, and the minister, if he chose, could come into this house and put through legislation to add that question.

By leaving in the questions that relate to high level nuclear waste, that gives the current government a bigger stick than it needs to club the South Australian public with misinformation about the radioactive question. The average punter in the street is going to assume there is a proposal to put high level waste in South Australia, otherwise why would the government be asking that question? Why would the government be asking about something that is not going to happen? So the punters out there, who probably have not followed the debate as closely as members in this place, will be misled by the question because they will naturally assume that the government is asking them about high level waste because there must be some proposal for that. As sure as night follows day,

the people of South Australia are going to be misled by that question.

The minister said that the previous government's bill deals with high level waste. The minister knows that, if high level waste comes into Australia as a result of the flick of a bureaucrat's pen in Canberra, he can come to the opposition and we will deal with that question at that time. He has no need to leave that question in here. His introductory remarks to this amendment were that he did not mind if his amendment were rolled and the opposition's amendment got up. The minister is not wedded to the view that the question should contain reference to high level nuclear waste. I am trying to convince the committee that the government does not need that extra question or any reference to high level nuclear waste in the question.

It is unprincipled to knowingly mislead the South Australian public with that question, because there is no proposal to store high level waste in Australia or, indeed, South Australia. There is no proposal. We are going to have a referendum on a non-proposal. This referendum will be about a proposal that simply does not exist and the minister knows—

Members interjecting:

The Hon. I.F. EVANS: Hang on. The minister knows that, if he gets this bill through the house, he can get through the house a question about high level waste. He knows that. He can get it through very quickly. It has taken 10 years to do a search for intermediate level waste, and I will not go back through the history because we all know it. It has taken 10 years, so does anyone think it will take one or two days to suddenly find a location for high level waste? Do you think there will not be public debate? Do you think it is going to sneak into Australia in the dead of night without all the groups knowing about it and there being a public debate?

That is a farce. The change in the regulation will have to go to the parliament. The federal parliament will know, the media will know, the environment groups will know, and we will know, and we can deal with the legislation then. This is an unfair question. It misleads the South Australian public. The minister, by his own admission, says they do not need the question. He is not wedded to the question. I would implore the house to vote against this particular amendment. I ask the minister to withdraw the amendment and deal with the appropriate question later during the debate.

The Hon. J.D. HILL: In response to the honourable member's tirade, I think he was really giving a speech he had prepared before I introduced my amendments, because he had the level of indignation and scorn and so on that would have been appropriate if the original question had been pursued by the government. But we are not pursuing that: we are pursuing options, and the options include high level waste, because that may be something that comes into play at some stage in the future. The member says, 'If that is the case, you do not need to have it, because you can trust us: we will let you amend the act in the future if you require it.' I am not sure that that would be the case.

Nonetheless, if the government, as the member suggested, were to try to trick the people of South Australia by putting a question to them which related to high level waste when, in fact, the federal government was planning to put here not high level waste but only intermediate level waste, the public would find out fairly quickly that we were trying to trick them and would treat us accordingly.

We will not be foolish about this. We will not say to the public, 'We are going to get you to vote on something which does not apply.' Our intention is to have a range of options so that, if the federal government were to do one of those three things, we could have the appropriate measure in place to immediately conduct a referendum. I think the member is just getting indignant for no real reason at all.

The CHAIRMAN: Before putting the minister's amendment, and in fairness to the member for Davenport, I point out that this is amendment 5(1). I will put the three referendum questions each in turn. If members wish to support the position of the member for Davenport, which is the same as his amendment 5(8), clearly they would support the second question. As to the second question, the wording is identical to the member for Davenport's amendment 5(8). Is the member for Davenport happy that we handle it that way?

The Hon. I.F. EVANS: Yes.

The CHAIRMAN: Each question will be put in order as listed in the minister's amendment 5(1), and the second question is identical to the member for Davenport's amendment 5(8). If the minister's amendments are carried, then amendments 5(3), 5(6) and 5(8) become redundant. I will put amendment 5(1) as moved by the minister, which is the first question for the referendum. I will read it out, because it is quite a complicated bill that we are dealing with. It states:

> Do you approve of the establishment in South Australia of a facility for the storage or disposal of long-lived intermediate and high level nuclear waste generated outside of South Australia?

Amendment carried.

The CHAIRMAN: I will put the second question, which reads:

> Do you approve of the establishment in South Australia of a facility for the storage or disposal of long-lived intermediate nuclear waste generated outside of South Australia?

Amendment carried.

The CHAIRMAN: I will put the third question, which reads:

> Do you approve of the establishment in South Australia of a facility for the storage or disposal of high level nuclear waste generated outside of South Australia?

Amendment carried.

The CHAIRMAN: The question now is that the clause as amended be agreed to.

The Hon. I.F. EVANS: We have been debating the amendments. Now that the clause has been amended, can we ask questions on the amended clause?

The CHAIRMAN: We proceed with the amendment and then come back to the clause overall. Given that the amendment concerning the three questions which was moved by the minister has been carried, amendments 5(3), 5(6) and 5(8) moved by the member for Davenport have become redundant and we now move to amendment 5(4), standing in the name of the member for Davenport.

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

> Page 4, line 25—After 'Electoral Act 1985' insert:
> other than Part 9 Division 6,

Amendment 5(4) relates, in effect, to making the plebiscite a voluntary vote. The reason we do this is that it has been confirmed by Labor's leader and the minister that this bill is all about politics and that it is all about trying to put pressure on the federal government to change our policy position. The Liberal Party believes that the South Australian public should not be forced to be involved in what the government admits is a blatant political exercise. We all know that if it is a compulsory vote people will be forced to go out two week-

ends in a row to vote—once on the referendum and the next weekend at the federal election.

The Liberal Party believes, particularly in this case, that voting in this referendum should be voluntary. We see no reason why the South Australian public should be forced to vote two weekends in a row for political purposes—and let us make it absolutely clear: the Labor Party has said that its referendum in relation to the nuclear waste storage facility in South Australia is all about politics. So the poor, long-suffering South Australian voter will be dragged out two weekends in a row just to satisfy the Labor Party's political wishes in regard to this referendum. We believe that there is simply no need for that. We think that if it is a voluntary vote then those who wish to participate voluntarily in what is a blatant political exercise by the Labor Party will be free to do so. They will be able to participate of their own free will in the political process.

Let us not misunderstand where we are. Everyone knows that 85 per cent of people, or whatever the latest poll is—it is usually around 85 per cent or 90 per cent, depending on the mood of the electorate at the time—do not support the storage of medium level radioactive waste in South Australia. So we already know the result of this referendum. There is no need to march people out the week before the next federal election and force them to vote for the first time, followed by the need to vote the next week at the federal election. If they want to do that of their own free will through a voluntary vote, the Liberal Party has no argument with that—we have always supported the principle of the freedom of the individual to express a view—but we see no reason why members of the public should be forced, for political purposes, to vote. The leader of the government here tonight has been saying that this is all about big P politics and this is all about Labor versus Liberal in the federal arena; indeed, the Labor Party is really designing a system whereby it will use taxpayers' funds to run a referendum against the Liberal Party at the next federal election. It is a smart way of a funding a Labor Party campaign using taxpayers' money. If the parliament agrees with that, that is fine, but the poor long-suffering voter in South Australia should not be forced to go to the polls twice in two weeks. It is a great disturbance to many people. There is huge travel for some of the country voters who need to travel a long way to get to a polling booth. It is a huge disruption to normal activities, particularly sporting activities on Saturday as a result of a lot of people working as polling booth clerks and handing out how-to-vote cards, and to do it two weekends in a row will cause significant disruption to the South Australian public.

The next federal election could be in March, and it could be right in the middle of tennis and cricket finals. That is more than likely what will happen. The poor old voter will be wheelbarrowed out two weeks in a row. Of course, worse is the fact that not only is the voter forced to go out to participate in what is a blatantly political exercise by the Labor Party but also they will be fined if they do not vote. There is another amendment with which we will address in a minute that deals with the fact that they should not be fined; if it is a compulsory vote, then let's not fine them. It is a sad day for South Australia if the parliament agrees to the referendum, which is admitted by the Labor Party to be nothing but a blatant political exercise. We already know the result of the referendum. If members look at the Labor Party's contribution to this bill, the Labor Party is saying that it already knows the result of the poll. It knows that South Australians do not support the concept of medium level radioactive waste being stored in South Australia. We suspect that vote will not change a lot between now and whenever the referendum is held.

What is the point of spending $6 million and forcing South Australians to vote two weeks in a row? The minister and the government are committed to holding it on the Saturday before the next federal election. We know the minister has not even rung the Electoral Commissioner to ask him whether it is possible to hold it the weekend before the next federal election—and we will come to that in a minute with some questions. It seems to us a nonsense that South Australians will be forced to have the referendum and to have a compulsory vote. We have to go through all the activity of postal ballots and nursing home ballots. A huge effort goes into that, and we will do it two weeks in a row. Why are we going to do it two weeks in a row? Because the Labor Party wants to spend $6 million of taxpayers' money trying to convince South Australians—the 90 per cent of them—to confirm what every poll has shown for the past two or three years.

Referenda are normally about establishing people's views—but not this referendum. We know the people's views. The Labor Party acknowledges that it knows the people's view: it is 85 per cent or 90 per cent against medium level waste being stored in South Australia. Why are we having this referendum? We are having this referendum so that the Labor Party can use taxpayers' money to have members of government departments and others out there selling the message that there needs to be a 'No' vote. They will lead it in the run-up to the next federal election, and we know that because every member who has spoken has said that that is the intent of the bill.

For the first time in the state's history we have a government that will use the implement of a referendum not to establish the state's view but, rather, to use taxpayers' money essentially to run a political campaign on behalf of the government. Who will suffer as a result of this? Those who will suffer as a result of this will be the voters of South Australia. The reason they will suffer is that they will be forced to vote two weeks in a row and they will be penalised if they do not vote, even though the government knows how they will vote. The great thing about this referendum is that the minister gets the discretion of deciding not only when to hold the referendum but also which question to ask. The minister has an extraordinarily powerful instrument to go out and belt the federal Liberal government, if the minister so chooses.

We argue that the voter in South Australia should not be forced into such a blatant political exercise. We argue that the voters in South Australia should have the democratic right not to vote or suffer penalty in relation to this. So, we would urge the committee to support the amendment, which gives the people of South Australia the option to voluntarily not participate in what is a blatant political exercise.

The Hon. J.D. HILL: One could say a lot, but I will restrict myself. The honourable member is attempting to have a debate about whether or not we should have voluntary voting in South Australia. I know that not all members opposite but a factional group on the other side supports voluntary voting—except, as the honourable member said in the last discussion of this, in Liberal preselections, when compulsory voting is required when certain members are standing. I think you said that in relation to Senator Minchin as a throw-away line. I am just passing the joke back; it was not serious.

If the member wants a debate about voluntary or compulsory voting I suggest that in private members' time he move that we should go down that path and let us have a proper debate about it. It would be interesting to see what members on the other side say; not all of them would support him in this. The government certainly does not support voluntary voting, for a whole range of reasons. It is inappropriate to try to intrude upon this piece of legislation, which is about whether or not we should have radioactive waste in this state. The whole debate about voluntary voting is inappropriate.

I would make another point, just to try to caution the honourable member about his rhetoric that the Labor Party is somehow trying to exploit the taxpayers by getting them to participate in some stunt that will promote Labor Party candidates or Labor Party policy. It is not about that at all. In fact, it is my sincere and genuine hope that we do not have a referendum. The point is that, if the federal government desires to put a medium level dump in South Australia, what can we do to stop it? We have had bills in this place, we have had protest meetings, and the *Advertiser* and Channel 7 have run campaigns on the issue—there has been a whole range of activities—but if it is determined to do it, what can we do to stop it? If we as a community want to stop the federal government putting a radioactive dump in South Australia for all Australia's medium level waste, what can we do to stop it? The only measure I can think of is this referendum trigger. It is not something I particularly want to do; I hope we do not have a referendum, but it gives us a tool to use against the federal government to stop it in its tracks. I think this will make it think twice.

I note that the rhetoric from Senator McGauran, who is now responsible for this area of policy, is a lot softer than that of his predecessor, Senator Minchin. I suspect the reason for that is that he understands that there is a great deal of concern in South Australia—people are genuinely worried in this state—and that we will not lie down and cop it. It is because we have been running this campaign. If we had just gone doggo on it the federal government would have had it here already, because it wants to collocate. That was its original intention; collocation was its policy position.

We shifted it from that and now we want to shift it from putting it in South Australia. This is the tool to do it. If we do not pass this, we are really saying to the commonwealth government, 'Come here and put whatever you like in this state; we don't have the fortitude to take you on.' We do not want to have this fight with the commonwealth; we much prefer to cooperate with it and say, 'Think again; don't put it in our state.' This is the tool that allows us to say that to it with some force.

Mrs MAYWALD: My question to the minister is about the timing of the referendum and why he would not seek to hold the referendum now. The fact is that, if we are seeking the support of the broader electorate in having an influence on the federal government, and the decisions are being made now as to where it will put this waste dump in Australia, why would we not hold the referendum now? Why would we need to make provision to hold it at the discretion of the minister? If it is such an important issue, why should we not be putting it out to the public now?

The Hon. J.D. HILL: That is a sensible and reasonable question, and I have contemplated the timing issue myself. The federal government has not yet made an indication; it said a year or so ago that collocation was no longer the preferred policy position. So, we have to trust it at its word. It is now going through a process to identify a site. We could hold it prior to that, but that would mean we would have spent the money, and maybe not for any purpose. I would like know what the government is planning to do before we put the population through this process. I guess what I would be looking for would be for John Howard or one of his senior ministers to say, 'Yes, it will go in South Australia. That is our preferred choice.' When we received that information, that would be the appropriate time to hold a referendum. We could then immediately hold the referendum.

But I guess what I would prefer to do in that case would be to hold it at a time some distance away from when that comment was made, closer to the election, to give us time to persuade the government by holding that sword, if you like, in our hand, 'If you do not change your mind, we will use this. We are not kidding, we will use this on you. Please be sensible; take note of what South Australians think. Do not go ahead.' We could campaign on that issue for some time before we had to do it. We would call it a nuclear deterrent—I guess it is a play on words, but a deterrent works on that basis. It works not by using it but by the threat of using it. We have to make the government understand that we will use it if we have to. We do not want to use it. We will work with it cooperatively: we want it to rethink.

That is why the timing issue is a flexible one. If it was more fixed, I think we would possibly have to go through a process that we may not ultimately need to go through. But if we have to, we will certainly do it. It is a possibility that we would do it a week before the next federal election. I will not say exactly when we would do it: I have not worked it through in a great deal of detail. There are practical issues as well—the dates, and so on.

One of the options is (and I say this because that is the most blatant political thing, in terms of a threat, that I can make to the federal government): 'If you really do persist in this, the worst thing we can possibly do to you is do it a week before your election, so that we make the federal election campaign a campaign that focuses on this issue.' I do not want to do that, but if the federal government really wants to play games with us and force us to have this waste, that is an option we have.

Mrs MAYWALD: Suppose that we have this referendum a week out from the federal election and the same government is returned, and it determines that a national repository will go other than in South Australia as a promise because of the referendum being held? How would the minister then feel about South Australia being excluded from being able to access that national repository, and what would be his provision for the management of intermediate waste in our state?

The Hon. J.D. HILL: It has come to really complicated hypotheticals now. I do not know whether my feelings are relevant. I suppose we could say that we have succeeded in making sure that it does not occur in this state. If the federal government was churlish then to say, 'You cannot store it in our national facility,' I guess if it was to go down that path—

Mr Brindal: So, it would be churlish; we wouldn't!

The Hon. J.D. HILL: Exactly. If it was to do that, I guess we would have to review our position. As I put to the member, our policy position—our principal position—is that each state should store its own waste. The amount of intermediate level waste in this state would probably fit in those boxes on the front desk. There is not a lot of it. There is only 3½ cubic metres, I think, of intermediate level waste in South Australia. It is not an overly arduous process for us to find some way to store that correctly. How would I feel?

I would feel happy that we had succeeded in getting the government to change its mind. As I said, we would certainly embrace the notion that we would look after our own waste, which I think is the appropriate and sensible thing to do.

Mrs REDMOND: Has the minister obtained any information on what is the minimum time it would take to call a federal election from the issue of the writ to the holding of the poll? What is the minimum amount of time that the Electoral Commissioner here would require for the holding of a referendum? It seems to me that, on the basis of having it one week prior to the federal poll, you have to allow an amount of time less seven days from the federal election. Does the minister have the figures on whether that can work?

The Hon. J.D. HILL: That is something that I have checked: it is a 33-day period for the federal election. I do not know exactly. It is certainly less than the seven days' difference. I can get the exact figure, but it is something like 25 or 26—

Mr Brindal: You didn't teach maths, did you? You were an English teacher, weren't you?

The Hon. J.D. HILL: Actually, I did teach maths briefly at a school close to your electorate.

The CHAIRMAN: Order! The member for Unley would know that in a classroom, as in parliament, you sit in your own seat and you don't interject.

The Hon. J.D. HILL: I cannot remember the exact minimum number of days required under the state act, but it is certainly sufficient for it to be held a week before the federal election.

Mrs REDMOND: It is my understanding that the state act, in fact, provides for the issue of writ, and so on, and then nominations, etc., simply would not be relevant to the question of a referendum. That is why I understood that the wording of clause 4 was couched in such a way as to allow the minister to pass regulations to adjust the Electoral Act. The South Australian Electoral Act does not, in fact, deal with the question of referendum and the minister would therefore have to adjust the act by regulation pursuant to what the minister is proposing, which would set up the timetable. Is that not the way it would have to work, because there is nothing in the Electoral Act about referendums?

The Hon. J.D. HILL: Yes, that is correct.

Mr BRINDAL: I am interested in the answer to the previous question by the member for Heysen. I would like someone to explain to me how you can adjust an act by regulation. An act is an act. You can fix regulations under an act but, as I understand it, you cannot do anything by regulation that actually contravenes the intent of the original act. If I understand the minister correctly, he has said that we will adjust the act by regulation. Can the minister please explain to the committee how that is possible?

The Hon. J.D. HILL: Perhaps the language was not appropriate. We would be applying the provisions that exist under the act to get the outcome. I have sought advice from the Electoral Commission and, as I understand it, there is sufficient time to do it within the time frame that I have described. I do not have the Electoral Act in front of me, so I do not know the exact number of days. But we would certainly have to follow the law, whatever the law happens to be.

The Hon. I.F. EVANS: If the minister has his way and the legislation is successful, will it prevent the commonwealth from building a storage facility for low level waste in South Australia?

The Hon. J.D. HILL: As the member knows from the legislation he introduced, the amendments to that legislation can be overridden by the commonwealth; that is absolutely plain. Just to add a little information to clarify an answer to a question I think the member for MacKillop asked about the sites: three sites have been identified by the commonwealth as potential sites for the national waste repository for low level waste which are located on South Australian pastoral land. The preferred site is referred to as Evetts Field West, which is known as site 52. This area, which is part of the Woomera protected area, is under commonwealth jurisdiction and the Defence Forces Regulations 1952. The other sites are sites 45A and 40A, located to the east of the Woomera protected area. I guess the point the member is alluding to is that our legislation cannot override commonwealth legislation.

The Hon. I.F. EVANS: Can the minister advise the committee what the position is in relation to the transport of radioactive waste in South Australia? I understand that, under the commonwealth legislation, people who transport the radioactive waste will be licensed. Therefore, the state government does not have the capacity to override any licensed transport operator for transporting waste through the state. If that is the case, this legislation will not prevent the transport of radioactive waste to a facility as long as the operators are licensed by the commonwealth.

The Hon. J.D. HILL: I can give the honourable member a long answer and a short answer; I think I will give him both. The Radiation Protection and Control of Transportation of Radioactive Substances Regulations 1991 regulate the transportation of radioactive material including waste in South Australia. These regulations are based on the Commonwealth Codes of Practice for the Safe Transportation of Radioactive Substances 1990. These regulations specify responsibilities for carriers, consignors and drivers of vehicles carrying radioactive material. The carriers of radioactive waste are required to label the vehicle with carrier/consignor documentation, to ensure that the load is stored appropriately and also to take prescribed action in the event that the radioactive material is lost or damaged. The penalty for a person contravening these regulations is up to $10 000.

However, if the transporter is a commonwealth contractor or agency, then the transportation would be regulated under the Australian Radiation Protection and Nuclear Safety Act 1998, and the requirements under the commonwealth legislation are essentially the same as the South Australian regulations. However, the South Australian government would not have jurisdiction in that situation. The bill, in principle, disallows the transportation of radioactive waste from other jurisdictions to such a repository in South Australia. That is the long answer. The short answer is that, as the honourable member well knows, legislation in this place cannot override commonwealth legislation.

Ms Chapman: So, why are we here?

Mrs MAYWALD: Regarding the transportation of radioactive waste, as the minister has just indicated, the legislation referred to indicates the transportation to a repository if it is situated in South Australia. What would happen in the event that it is situated in Western Australia, and Victoria and New South Wales wish to transport it across South Australia?

The Hon. J.D. HILL: The facts are still the same: commonwealth legislation cannot be overridden by state legislation and, ultimately, we would not be able to prevent

that if it became a constitutional battle. The member for Bragg interjected, 'Why are we here?' That is a philosophical question. Perhaps we could address it in a different environment in a more philosophical way. However, the point is that the former government introduced legislation which attempted to ban medium level waste being brought into and stored in South Australia. We are extending that provision to cover low level waste.

So, the honourable member might as well have asked the question: why were we here when we were dealing with that piece of legislation? The reason is that South Australians do not want it and we are doing everything that we can to try to get the message across to her commonwealth colleagues that South Australia does not want it. So, acts of parliament will create some attention, I would think. We will certainly write to the commonwealth and inform it of the legislation and ask it to adhere to it. It is just part of an ongoing process to get the message across.

Mrs REDMOND: I refer to something that the minister said earlier in relation to the timing of the referendum. He suggested that, if the commonwealth indicated an intention some time soon, he would consider whether to hold the referendum immediately or wait and use it as a more powerful stick (paraphrasing what the minister said) a week before the next federal election. What if the commonwealth government does not indicate an intention before the next federal election or until the day after the next federal election?

The Hon. J.D. HILL: The measure provides that 'the minister forms an opinion'. So, I would have to go through a proper process of forming an opinion.

Mr Koutsantonis interjecting:

The Hon. J.D. HILL: Well, I would use all the appropriate administrative techniques available to me to do that. I would have to form a genuine opinion, and I guess it would be subject to legal action if it was done on a mala fide basis. There would have to be some indication or reason for me to believe that the commonwealth was to do it. I think it would be incredibly negligent and dishonest of the federal government to go to yet another election without identifying where it intends to put this waste.

Members interjecting:

The Hon. J.D. HILL: As I understand it, it was to let us know prior to the last federal election, and that was delayed. It was going to let us know prior to the last state election, and it delayed it. I now understand that it is looking at letting us know, I think, towards the end of this year. I understand that it is looking at it at the end of this year, but it will be interesting to see what happens. I think the point the honourable member makes is correct: if it chooses not to say anything, this legislation does not allow me to conduct that referendum.

The CHAIRMAN: I will put the amendment standing in the name of the member for Davenport and indicate that, in the chair's view, if this amendment is carried there is no need to proceed with amendment 5(5) and, obviously, the converse applies: if this amendment is carried then amendment 5(5) is appropriate to be moved as consequential.

The Hon. I.F. EVANS: I rise on a point of order, sir. I have a different view. This amendment is about having a voluntary vote. Amendment 5(5) is about having a compulsory vote for which there is no penalty if you do not vote. They are two different principles.

The CHAIRMAN: If this amendment is lost the honourable member can move amendment 5(5). I am sorry if I did not make that clear.

The Hon. J.D. HILL: I have some additional information to the question I was just asked. The honourable member asked about final decisions. I have a press release from Peter McGauran MP—

An honourable member interjecting:

The Hon. J.D. HILL: Peter McGauran, your federal colleague, the commonwealth Minister for Science. His press release, dated 3 May 2002, states:

> A short list of possible sites is expected by the end of this year as the facility will house waste generated by commonwealth agencies and organisations. . . A range of sites will be fully considered and the final decision will be made in 2003 after rigorous scientific assessment and extensive public consultation.

I assume that is prior to the next election, but one never entirely knows.

The Hon. I.F. Evans: The way that Crean is going it may not be.

The Hon. J.D. HILL: He is doing well, isn't he?

The CHAIRMAN: I will put the amendment standing in the name of the member for Davenport. I am sorry if I confused people. If this amendment is carried there is no need to proceed with amendment 5(5). If this amendment is not carried amendment 5(5) is relevant.

Amendment negatived.

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

> Page 4, line 25—After 'Electoral Act 1985' insert:
> , other than section 85(3), (4), (5), (6), (7), (8), (9) and (10),

These amendments ask the question: if it is to be a compulsory vote, should the South Australian public be penalised for not participating in a compulsory vote for what is a blatant political exercise? The view of the Liberal Party is that the long-suffering voter of South Australia should not be penalised for not participating in what is a blatant political exercise on the referendum. It is one thing to say that it is compulsory that people vote and it is another thing to say, 'If you do not vote you will be fined $50 or $60', or whatever the figure is at the time. We need to understand that special circumstances will be involved in relation to this referendum because the Leader of the Opposition has given a commitment that it will be held in the middle of the next federal election.

The minister is saying to the parliament that he has some discretion about whether it is held close to the federal election. The Leader of the Opposition, during the state election, said that it will be held slap-bang in the middle of the next federal election campaign. That means that the long-suffering voter will ultimately have to vote on two Saturdays in a row. They could possibly suffer two penalties for not voting in relation to the referendum and then the federal election.

It is one thing to make people and the aged and frail go out on two stinking hot March Saturdays to vote in two elections for a blatant political exercise, and it is another thing for the government to fine people $50 or $60 for not being involved in a compulsory vote. I will not delay the committee any longer. I know the government's view in relation to voluntary voting. Of course, this is not a voluntary vote: this is saying that there is a compulsory vote. However, we believe that a penalty should not be attached to this particular plebiscite because it is a plebiscite for political purposes. It is not a plebiscite about establishing the state's view. We know the state's view.

We know that the leader has come in here saying, 'It is big P politics.' It is all about trying to design a legal club to club the Howard government at the appropriate time—of the minister's choosing, with a question of the minister's choosing and using taxpayer-funded money of the minister's choosing. So, given that the minister has all those choices, it seems to us that the voters should have a choice and not be fined if they choose voluntarily not to be involved in a compulsory vote.

The Hon. J.D. HILL: The government does not support this measure. As I said before, if the minister wishes to amend the Electoral Act, there are other ways he can do that.

Amendment negatived.

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

Page 4, after line 32—Insert:

(2) A regulation made in relation to the conduct of a referendum under section 16 cannot come into operation until the time for disallowance under the *Subordinate Legislation Act 1978* has been passed.

This amendment seeks to commit the minister to bring before the house the regulations that will design the referendum prior to the federal election being called and the election material being printed. As the bill stands, the minister, through regulation, will design the rules for the referendum as regulations, and we all know that ministers do not have to bring forward regulations quickly: we have given some examples during this debate about slowness in relation to some regulations. That is no criticism. Some issues are complex and it does take a long time to get the regulations through. The Minister for Recreation, Sport and Racing put through today the regulations relating to the boxing and martial arts legislation.

This amendment tells the minister that he must table in the house the regulations that design the referendum far enough out from the holding of the referendum so that the houses of parliament have the opportunity to debate and disallow them if they so wish. The way the bill stands at the moment—and call me a cynic—the minister could, if he so chose, or indeed was instructed by the leader, delay the introduction of the regulations until the state parliament was not sitting. Say, for example, that the federal election is held in March. The minister delays the introduction of the regulations—

Mrs Geraghty interjecting:

The CHAIRMAN: If the member for Torrens wishes to ask a question or make a comment, she will have the opportunity to do so.

The Hon. I.F. EVANS: The minister delays the regulations until a week before the timing of the notice he has to give the Electoral Commissioner to call the referendum, and it just so happens that parliament is not sitting. It may well be that some members of the parliament are not happy with the rules of the referendum: they have no avenue available to them to debate or to change those rules.

Mrs Geraghty: That's right.

The Hon. I.F. EVANS: That's right. I am glad the member for Torrens says, 'That's right.' This is about—

The CHAIRMAN: The member for Torrens has been cautioned before.

The Hon. I.F. EVANS: This is not about just a piece of legislation: this is about holding a referendum. I am glad that the member for Torrens has confirmed it is her interpretation that that is possible, because that is the concern of the opposition. The opposition is concerned that the minister can delay the introduction of the regulations to such a point that the opposition has no opportunity to overturn or debate those regulations. So, all this amendment does—

Mrs GERAGHTY: On a point of order, I was saying that the honourable member's government was very well versed in doing that sort of thing.

The CHAIRMAN: Order! That is not really a point of order. The honourable member can join in the debate at the appropriate time and in the appropriate way.

The Hon. I.F. EVANS: If I have misinterpreted the member for Torrens, I apologise to her. My understanding of the legislation—and the advice to me from the officers—is that it is possible under a bill as it stands for the minister to delay the introduction of the regulations to such a point that the parliament has no scrutiny over the regulations. That means that the minister can design the referendum to have an outcome, or can design the referendum without parliamentary scrutiny, and I do not think that is a good measure.

No parliament in Australia would give a minister the power to design by regulation a referendum that we know is for political purposes. This house has given him a discretion over the question. We have given him a discretion over the timing and, if we are to leave the bill as it is, we will give him a discretion over the regulation—the day-to-day rules—about how the referendum is to be held. The minister can give us all sorts of commitments such as, 'That won't happen', 'I'll be fair', 'We're good blokes', and, 'We're an open and honest government'—so open and honest that we cannot find out where it is stored!

However, this amendment does nothing other than give the parliament the opportunity to have scrutiny over the regulations that design the referendum. There is not an argument against this regulation. All this regulation says is that the 47 members of parliament who are elected to this place to have oversight over those sorts of issues will actually get oversight. If the bill stands in its current form, members of parliament may not have the opportunity for oversight.

The minister has been saying all night, 'But I intend to do it fairly', and, 'I intend to do it this way', but we all know that once the law is in the statutes he may not be the minister in five years' time. There could be a reshuffle, there could be a new government and in 15 or 20 years' time this may not be the government. The minister himself indicated earlier that the federal government may change. Well, the state government may change. So surely we have to try and bullet-proof the legislation and make sure there is parliamentary scrutiny. I would seek the committee's support for what is a simple but important amendment.

The Hon. J.D. HILL: We do not support this proposal; it is not necessary. We have no intention of delaying the formation of regulations, and in fact I have just spoken to parliamentary counsel about how quickly we could do it; we could do it in a matter of weeks after this measure passes through the parliament. I give the undertaking that I will do it as speedily as we can, and there will be plenty of opportunity for the member.

Mr BRINDAL: I would just like to follow my colleagues. I will call him a cynic, but I think there is nothing that says that cynics cannot be very wise people. The principle of this place has always been that we pass legislation in this place, and appending to legislation are often regulations. The safeguard for this parliament from the executive government is that regulations can be disallowed by any member in either chamber of this parliament.

I accept that this may be a very good minister but, as my colleague has said, this minister may not be the minister;

indeed, he will probably be sitting permanently in the seat that he is now sitting in and some errant and hapless back-bencher with very little experience will be there trying to run a referendum. I cannot think of many worse scenarios.

Members interjecting:

Mr BRINDAL: They would have to be better than some of the ministers you currently have: I do acknowledge that.

The CHAIRMAN: Order! The member for Unley will concentrate on the issues.

Mr BRINDAL: On a serious note, it has always been a custom that this parliament gives to a minister the right to make regulations with the certain knowledge that the parliament can disallow the regulation. What my colleague proposes is an amendment that makes sure that the parliament has a right of disallowance. It is all right for the minister to say, 'I'm a good chap, I'm an honest chap, I'll do it quickly,' and then you can disallow if you want. The fact is, as the member for Davenport points out, that there is nothing in this legislation compelling him to bring in regulations now or any time other than the time of his convenience.

I am sorry, but I have been here for 13 years, minister, and I have seen a lot of ministers, and you would be one that I would, by and large, trust. But you might not always be here. Quite frankly, when your caucus tells you not to draft the regulations you might actually buckle into the caucus and not be able to keep your word. What the member for Davenport is proposing safeguards this house, this parliament. I hope the Speaker is listening to this, because I think this is a matter the Speaker may well be interested in, because you are asking parliament to not accept a member's amendment which actually upholds the traditions of this place, and to take your word instead. I do not think that is very solid parliamentary practice.

The Hon. J.D. HILL: This provision is not applied every time regulating power is given to a minister. The member for Davenport is doing this as another measure to try to stall the progress of these provisions. Why would I introduce this legislation and then not proclaim it or not develop the regulations for a long period of time? We on this side are very keen to have this legislation in place and very keen to have all the triggers in place. We will go through the regulatory process so that absolutely all the little ducks are lined up so that, if the commonwealth government makes a determination to put the—

Members interjecting:

The Hon. J.D. HILL: I won't get into ducks.

The CHAIRMAN: Order! The chorus on my left will cease.

The Hon. J.D. HILL: We will have all these matters lined up so that, if the commonwealth government makes a decision to store the waste in South Australia, we will not have any delays, and we can just proceed. This is just a time wasting measure put forward by the opposition.

Mrs REDMOND: I am afraid I do not understand. If that is the case, why is the minister opposing the amendment, because the amendment does nothing to hurt his position? If he is going to bring in the regulations now, why not approve the amendment that ensures that it has to happen in any event?

The Hon. J.D. HILL: It is a rhetorical argument. I can just say what I said before. I refer to my previous answer. We are intending to move through with this in the speediest possible measure and we are not going to have hurdles placed in our way to try to trip us up.

The Hon. I.F. EVANS: The whole debate tonight has been about preventing a medium level facility coming to South Australia. I just want to be guaranteed that the state government and its officers are working with the federal government and its officers to prevent a medium level facility coming to South Australia.

The Hon. J.D. HILL: In the first week—the first day, in fact—that the government came to office the Premier wrote to the Prime Minister and indicated our state's position, and we have made very plain to the commonwealth what our position is. The officers of the state are not cooperating with the commonwealth government on the establishment of any waste dumps in this state.

Amendment negatived; clause as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this bill be now read a third time.

I thank all members for their contributions.

Bill read a third time and passed.

CORNWALL, DR J.

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: During question time today the member for Bragg asked whether I could inform the house of the total cost to the government of the Supreme Court action of Ms Dawn Rowan against a former health minister, the Hon. Dr John Cornwall, MP, and others. Contrary to the statement of the member for Bragg, Justice Debelle found Dr Cornwall guilty of misfeasance in public office, but he was not made jointly liable for the defamation. I am unable to advise the total cost to government as a result of this judgment because interest and costs are awarded on judgment sums according to law and I am advised that these matters are yet to be determined.

As final orders have not been made by His Honour, the appeal period has not yet commenced to run. As the matter is sub judice, it is not appropriate that I comment further. I will, of course, further inform the house when I am in a position to do so.

ADJOURNMENT

At 9.45 p.m. the house adjourned until Wednesday 10 July at 2 p.m.