

HOUSE OF ASSEMBLY

Monday 24 March 2003

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

CHILD ABUSE

A petition signed by 261 residents of South Australia, requesting that the house pass legislation providing for the prosecution of child sexual abuse offences committed before 1982, was presented by the Hon. M.J. Atkinson.

Petition received.

HOSPITALS, FLINDERS MEDICAL CENTRE

A petition signed by 179 residents of South Australia, requesting the house to urge the government to maintain and service neonatal intensive care beds at Flinders Medical Centre, was presented by the Hon. J.D. Hill.

Petition received.

STATE BUDGET

A petition signed by 701 residents of the Fleurieu Peninsula, requesting the house to urge the government to ensure that the 2003 state budget includes funds for the next stage of planning and construction of the Victor Harbor TAFE College, Victor Harbor Senior High School, Port Elliot Primary School and the administration and classroom upgrade of Victor Harbor R-7 School, was presented by the Hon. D.C. Brown.

Petition received.

SEXUAL OFFENCES

A petition signed by 2 407 residents of South Australia, requesting the house to pass legislation providing for the prosecution of sexual offences without time restrictions, was presented by Mr Scalzi.

Petition received.

MARINE PROTECTED AREAS

A petition signed by 805 residents of South Australia, requesting the house to urge the government not to place any more marine protected areas in the waters from Douglas Bank to the top of Spencer Gulf, was presented by the Hon. G.M. Gunn.

Petition received.

HEALTH FUND CUTS

A petition signed by 302 residents of South Australia, requesting the house to urge the government to maintain hospital boards and enable consultation to take place to ensure that future health fund cuts do not affect the maintenance of service to the sick, invalid and aged, was presented by the Hon. G.M. Gunn.

Petition received.

The **SPEAKER**: Order! All honourable members will be orderly during the course of the reading of petitions as they are, after all, submissions to us from the people whom we are elected to serve.

QUESTIONS

The **SPEAKER**: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 6, 122, 124, 129, 130 and 132.

YOUTH EMPLOYMENT

The Hon. R.G. KERIN (22 August 2002).

The Hon. M.J. WRIGHT: I have been asked to respond to this question on behalf of the Minister for Employment, Training and Further Education, as this matter falls within the Industrial Relations Portfolio.

Australian Bureau of Statistics figures indicate that in June 2002 there were 77,400 South Australians aged between 15 and 20 who were in the workforce. Nearly half of these young people were also attending school or a tertiary institution. The true number of people receiving junior rates would be 77,400 less those who were apprentices or trainees, those who were paid adult rates once they were 19 years of age (such as in the transport and construction industries) and those who were paid at over-award rates to the extent that they received an adult rate. It is not possible to accurately estimate the total number in these three groups. Therefore I am unable to advise the House precisely how many young South Australians are currently employed on junior wage rates.

Mr Greg Stevens has conducted a review of Industrial Relations in South Australia. Mr Stevens has reported to the Government and made recommendations. The Government will consider Mr Stevens' recommendations before determining a response.

ROADS, SHOULDER SEALING

In reply to Hon. M.R. BUCKBY (15 October 2002).

The Hon. M.J. WRIGHT: As you are aware, this government has committed additional funding to the shoulder sealing program by increasing the funding from \$15.25m to \$28.9m over the five-year period which commenced in the 2001-02 financial year.

For this financial year, \$5.2m has been allocated to the program and works will be undertaken on the following roads:

- Noarlunga to Cape Jervis Road
- Mount Barker to Strathalbyn
- Heaslip Road
- Tea Tree Gully to Mannum Road
- Birdwood to Verdun Road
- Barossa Valley Way
- Angle Vale Road
- Berri to Loxton Road
- Blackwood to Goolwa Road
- Riddoch Highway

As at end of January 2003, 15 km of shoulder sealing has been completed with this year's program expected to be completed in May. The actual length of shoulder sealing this financial year is dependent on the actual unit rate/km that is achieved in the field and it is expected that the upper limit of this will be 130 kms of road.

SOUTH-EASTERN FREEWAY

In reply to Hon. M.R. BUCKBY (17 October 2002).

The Hon. M.J. WRIGHT: Transport SA has advised that it has not been informed of the final report of the South Australia Police investigation into this incident. However, initial indications to Transport SA are that investigations thus far have not highlighted any concern with the road.

PORT RIVER EXPRESSWAY

In reply to Hon. M.R. BUCKBY (17 February).

The Hon. M.J. WRIGHT: Mr Buckby seemed to be referring to an article in the *Portside Messenger* of 4 December 2003. While the ground along the location of the Port River Expressway is generally poor, this has been known since early field tests were completed three years ago, and has not affected cost estimates for the project.

A contract was awarded recently to Bardavcol Pty Ltd for the construction of Stage 1 of the project. The contract cost for this stage of the works is within the approved funding of \$62m for the works. Tenders for the works were called with options, and bidders provided

various other options in their bids. Further variations were made to the scope of works during the post tender negotiations to achieve the best technical and financial solution.

The provision of an overpass at South Road, and the construction of the full length of Hanson Road, rather than the shorter connection from the expressway to Wilkins Road were included in the range of options considered, but not proceeded with.

The Government is considering its options in relation to both the nature of the structures to be provided over the river (Stages 2 and 3 of the project), and the contract delivery method. Until those issues are resolved and tenders called, the financial outcome for the total project is unknown.

ROADS, MOUNT BARKER

In reply to **Ms CHAPMAN** (21 November 2002).

The Hon. M.J. WRIGHT: The Executive Director of Transport SA met with residents of the area on 19 November 2002. Since that initial meeting there has been further meetings and correspondence between Transport SA and resident representatives. In addition, there have been meetings involving Transport SA, SAPOL and relevant Councils who have all agreed to work together to progress this issue.

It was agreed that Transport SA would investigate a range of low cost traffic management options to further enhance opportunities for cyclists and pedestrians along this road, as well as discouraging the irresponsible practice of motorists and motorbike riders using this section of road as a race track. The options will aim to modify the road characteristics to create a lower speed environment within existing funding constraints. However, any proposal also needs to take into consideration the fact that the road needs to be maintained as an alternative arterial road in the event of an emergency or tunnel closure as well as access for local residents, tourists and visitors to the Eagle on the Hill Hotel.

In recent weeks, Transport SA has discussed possible options with residents, Councils, SAPOL and other relevant parties and is awaiting feedback before deciding on what course of action will be pursued.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. I.F. EVANS** (28 November 2002).

The Hon. K.O. FOLEY:

1. The underlying improvement in the current operating result (before interest, depreciation and distributions less capital expenditure) between 2001-02 and 2005-06 which is the measure referred to by the honorable member and described on page 49 of Part A of the Auditor-General's report, results mainly from the Government's budgeted revenue measures and budgeted savings in expenditure lines.

Changes in capital expenditure do affect the result, however the honorable member should note that significant inter-year variability of capital expenditure is to be expected given the lumpy nature of capital projects. One measure of capital spending is gross fixed capital formation. A comparison of the 2001-02 estimated result and the 2005-06 estimate of this capital measure at the time of the Budget shows there is almost no movement between these two periods (refer 2002-03 Budget Statement, Budget Paper 3, page 1.3, table 1.2).

2. The net result of the Government's proposed capital program for the general government sector over the forward estimates period is shown in the 2002-03 Budget Statement, Budget Paper 3, page 1.3, table 1.2 as 'Gross fixed capital formation'. This line includes the sales of property, plant and equipment and it also includes contributed assets.

In reply to **Hon. I.F. EVANS:** (28 November 2002).

The Hon. K.O. FOLEY: The current TEC for the Under Treasurer is \$284,326.

The Under Treasurer received a 3% increase to his TEC effective from 1 July 2002 (previously \$276,045 from 1 July 2001), as approved by Cabinet, and is consistent with increases to executive TEC's applying across the public sector.

The table referred to in the Auditor-General's report includes remuneration paid to employees whose normal total remuneration exceeds \$100,000 and segregated into \$10,000 bands above that limit. In the case of the Under Treasurer, the information included within the different bands from 2000-2001 to 2001-02 resulted from the timing of salary sacrifice payments and recovery through the ac-

counting system. The information was reported in accordance with prescribed accounting requirements.

SSABSA

In reply to **Hon. M.R. BUCKBY.**

The Hon. P.L. WHITE: The budget line supplies and services for SSABSA has increased from \$1.95 million (2001-02) to \$2.30 million (2002-03). This increase in allocation by SSABSA is principally due to the carryover to 2002-03 of \$0.36 million committed, but not paid, during the 2001-02 financial year.

MURRAY DARLING BUSINESS UNIT

In reply to **Mr BRINDAL** (7 August 2002).

The Hon. J.D. HILL:

1. There have been no changes to outputs and measures, as the previous Department for Water Resources included this function in the Murray Darling Business Unit, which upon the creation of DWLBC is still a Business Unit of the new department.

TRANSPORT, COUNTRY

In reply to **Ms CHAPMAN.**

The Hon. P.L. WHITE: For many years, the Government has fulfilled its obligation through the Department of Education and Children's Services to provide fully paid school transport assistance for students who reside 5 kms or more from their nearest designated Government school.

This transport assistance, in the form of dedicated school bus services and/or travel allowances, is provided in accordance with approved School Transport Policy. The assistance is primarily provided for full-time government and non-government primary and secondary school students who are compelled by State law to attend school and meet the policy eligibility criteria.

Preschool children are not under any compulsion to attend a preschool facility (this includes kindergarten and child parent centres). Therefore, in accordance with the DECS School Transport Policy, there is no requirement to provide transport for preschool children.

Preschool children are, however, permitted to travel on departmentally provided school buses subject to the following conditions

- Individual approval is given in writing by the principal controlling the bus.
- There is available room on the bus.
- The bus is not involved in additional travel.
- The child is considered by the principal to be mature enough to travel safely on the bus and without causing difficulties for the driver.
- The child is met at the set-down points.
- Permission may be withdrawn if the bus becomes overcrowded with primary and secondary school students eligible for travel.

Most preschool children who seek transport assistance in country regions are able to access departmental buses that travel to and from particular Government schools.

Currently, there are 561 school bus services that mainly run in country regions across the State. There is a trend of declining numbers of school students in the country sector, and except for some cases, the department's school buses are not fully utilised. Therefore, the department does not expect that raising the school leaving age to 16 will have a significant impact upon the provision of school transport services and any additional transport assistance provided would be based only on eligible students.

MOTOR VEHICLES, SECOND-HAND

In reply to **Ms CHAPMAN** (28 November 2002).

The Hon. M.J. ATKINSON: I have received this advice:

In 2001-02 there were 11 payments totalling \$68 829.10 made from the Second-hand Motor Vehicles Compensation Fund to compensate claimants who had satisfied the Magistrates Court that they had suffered a loss as a result of their dealings with Smitsu Pty Ltd (in liquidation), trading as Grantley Schmidt and Associates Autobrokers, and that they had no reasonable prospect of recovering their loss other than from the Fund.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. DEAN BROWN** (4 December 2002).

The Hon. L. STEVENS:

1. The 2001-02 capital works budget for health was \$147.4 million. The capital expenditure for 2001-02 was \$122.4 million.

The under-spend was a result of:

- the delay in awarding contracts due to the extended 'care taker' mode during last year's election, when the Government could not exercise expenditure delegations. This particularly impacted on new country aged care and Information Management Services' projects. Projects affected included Bordertown, Tumby Bay, Laura, Crystal Brook, Quorn and Cummins aged care projects, Clare redevelopment and the two Open Architecture and Clinical Information System (OACIS) projects;

- the discovery of latent underground conditions on the Royal Adelaide Hospital site which led to two months delay in the Redevelopment Stage 2/3A project; and
- the delay of the Flinders Medical Centre, Repatriation General Hospital and Women's and Children's Hospital mental health projects pending finalisation of the mental health strategy.

These delays were partially offset by the Lyell McEwin Health Service Stage A and The Queen Elizabeth Hospital Redevelopment Stage 1 projects where construction was ahead of the budgeted program.

There is ordinarily a variance in cash flow timing for capital projects. In 2001-02 there was an under-spend whilst in 2000-01 there was an over-spend. Over time, the cash flows against budget balance out.

2. There have been six letters of offer made under the scheme with five of these having been accepted. Details of the offers made to health units are provided in the following table.

<i>Location</i>	<i>Health Unit</i>	<i>Loan</i>	<i>Letter of Offer Sent</i>	<i>Offer Accepted</i>
Baramba	Riverland Regional Health Service	\$900,000	Y	Y
Gumeracha	Northern Adelaide Hills Health Service Inc	\$300,000	Y	Y
Kangaroo Island	Kangaroo Island Health Service	\$600,000	Y	N
Millicent	Millicent and District Hospital and Health Service	\$4,000,000	Y	Y
Naracoorte	Naracoorte Health Service Inc	\$400,000	Y	Y
Strathalbyn	Strathalbyn and District Health Service	\$900,000	Y	Y
	<i>Total</i>	<i>\$7,100,000</i>		

3. The Dental Practice Act 2001 was assented to on 21 June 2001.

A sub-committee of the Dental Board was established to provide advice on the regulations. I understand that this committee was asked to develop this advice on 15 January 2002.

The advice provided to me, as the new Minister, on 8 March 2002 was that due to the tight time-frame given to the sub-committee, limited consultation was undertaken with the professions. The views of the Department of Human Services were also not sought by the previous Minister in relation to this matter.

At no time during the term of the previous government were the regulations drafted.

When I received the advice from the sub-committee I sought a view from the Department in relation to these regulations, and asked them to consult further with professions to ensure the optimum arrangement to provide the public with quality dental care.

The Department has been working with various professions to finalise drafting instructions for the regulations. In general, the professions are supportive of the way in which auxiliaries are proposed to be dealt with in the regulations.

The drafting instructions for the regulations pursuant to the Dental Act 2001 are now complete and I will be progressing the regulations early this year, with the intention of having the Act proclaimed and the new Dental Board in place at the earliest possible opportunity.

4. The Department of Human Services confirms that the MRI machines installed at The Queen Elizabeth Hospital (TQEH) and the Lyell McEwin Health Service (LMHS) are now fully commissioned and are providing MRI services to inpatients as required at each hospital.

At present, these two MRI machines cannot be used for outpatients at either hospital, as the machines are not licensed by the Commonwealth Government to provide outpatient services and, therefore, do not attract the necessary Medical Benefit Schedule (MBS) subsidy.

Although the provision of MRI machines at TQEH and LMHS will be of considerable benefit to inpatients from the western and northern suburbs who require such investigations (including those patients who elect to be treated as private patients and who, in the absence of the MBS subsidy, will receive MRI investigations at no charge), outpatients attending TQEH and LMHS will continue to be transferred to the Flinders Medical Centre or the Royal Adelaide Hospital for MRI services.

The honourable member for Finnis would be well aware of the restriction on the use of these two MRI machines, given his endorsement, as the responsible former Minister, of the original Cabinet Submission for the lease and installation of these machines.

5. The referral of outpatients to FMC and RAH continues a situa-

tion that has existed for many years. The government is continuing to negotiate with the commonwealth for the MRI machines, which are now installed at TQEH and the LMHS (and also the Women's and Children's Hospital in the near future) to be licensed so that the MBS subsidy will be available to outpatients at these hospitals.

6. The Auditor-General's report presents the Department's statutory financial information, whilst the comparisons being drawn are against figures in the portfolio statements.

As per the 2002-03 Portfolio Statements (6.36) the total expenditure budget for ordinary activities of the Department is \$3,006,749,000. This is an increase of \$106.6 million from the 2001-02 estimated result disclosed in the portfolio statements. The major variations between the 2002-03 Budget figure and the 2001-02 estimated result is outlined in the 2002-03 Portfolio Statements (6.53) as:

- spending of an additional \$74.7 million approved by Cabinet for a range of projects including the following material areas:
 - additional health service funding under the Australian Health Care Agreement for \$34.5 million;
 - increased matching and growth funding under the Commonwealth State Disability Agreement for \$8.8 million;
 - mental health \$2.5 million;
 - increased Home and Community Care matching \$3 million;
 - waiting time reductions for elective surgery \$3.5 million;
 - hygiene funding \$1.5 million;
 - Early Childhood intervention services \$1 million;
 - South Australian Dental Services preventative dental program \$2 million;
 - Nursing Exelcare System \$1.5 million;
 - additional Red Cross funding \$1.5 million;
 - improvements to protect vital blood supplies \$2.3 million;
 - Refugee program \$1.3 million;
 - programs to assist problem gamblers \$1 million;
 - additional sustainable hospital funding \$4.75 million;
 - increased wages and salaries including those arising from enterprise bargaining outcomes; and
 - increased outlays for goods and services including amount assumed for general inflation and spending associated with targeted levels of activity as detailed in the portfolio output statements.

7. In order to reduce unnecessary detail in the Department's Financial Statements it has been the practice to group a number of small payments together. Historically, the following have been grouped together:

- Adelaide Central Community Health Service
- Aboriginal Health Council
- Ceduna Koonibba Aboriginal Health Service
- Gawler Health Service

- Independent Living Centre
- Northern Metropolitan Community Health Service
- Pika Wiya Health Service
- Southern Domiciliary Care

- St Margaret's Hospital

The Department has advised that it has inconsistently classified some incorporated health service expenditure in deriving the figures mentioned. The following table provides a full reconciliation of the construction of these numbers for both financial years.

<i>Health Service</i>	<i>2001-02</i>	<i>2000-01</i>	<i>Variance</i>
	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>
Adelaide Central Community Health Service	7,039	6,183	856
Aboriginal Health Council (Note 1)	708	2,040	(1,332)
Ceduna Koonibba Aboriginal Health Service	440	442	(2)
Gawler Health Service	10,081	9,948	133
Independent Living Centre	3,398	2,801	597
Northern Metropolitan Community Health Service	6,569	5,384	1,185
Pika Wiya Health Service	1,498	1,400	98
Southern Domiciliary Care	10,264	9,249	1,015
St Margaret's Hospital	4,658	4,305	353
	44,655	41,752	2,903
Classified as IMVS		(9,267)	
Classified as Other	2,576	(900)	
As per Note 4(c)(i) in Financial Statements	47,231	31,585	15,646

The variance reported arises principally from the different treatment applied to IMVS expenditure in 2000-01. When this distortion is removed, the comparative figures show a variation of \$2.9 million, which is in keeping with the general growth in expenditure of health services between the years.

In general, funding provided to health services increased over the two years in line with additional funded services provided and budget parameters for enterprise bargaining and consumer price indexing.

Note 1

The decrease in Recurrent Funding provided to the Aboriginal Health Council was due to the change in the legal statues of the council that occurred on 19 October 2001 when the Council ceased to be an Incorporated Health Service and became incorporated as a non-government organisation under the Associations Incorporation Act, 1985. As a consequence, grant payments to the Council were reclassified from Recurrent Funding provided to Incorporated Health Services and are now included in Recurrent Funding provided to non-government organisations.

8. In answering this question it is necessary to explain the department's insurance arrangements.

As a participant in the State Government's Insurance Program, the department pays a premium to SAICORP and is responsible for the payment of claim amounts up to an agreed amount (the deductible). SAICORP provides the balance of funding for claims in excess of the deductible.

Over the past four financial years the Department's insurance arrangements have changed significantly. This has impacted upon the information disclosed within the 2001-02 financial statements. To understand changes to insurance arrangements and associated provisions it is necessary to also understand accounting transactions. Where there is a change in a provision account, the increment or decrement associated with that provision is recorded against an insurance expense account for that period.

- 1999-2000 Financial Year

On 1 July 1999, the deductible of the Department was increased from \$50,000 per claim to \$1,000,000 per claim (except for Modbury Hospital) for professional indemnity insurance after 1 July 1994. As a result of this change the Department effectively became a self-insurer, by assuming responsibility for the majority (both in number and value) of future insurance claims. As effectively a self-insurer the insurance premiums paid for 1999-2000 were reduced substantially from \$18 million to \$12 million.

Due to the change in the deductible it was necessary to revise the value of the insurance provisions to be recognised. Departmental staff assessed insurance provisions for this period recognising a liability for those claims with an estimated value of up to \$1,000,000 per claim. This self-assessment gave rise to a substantial increase of \$38.7 million in the value of insurance provisions for the financial year ending 30 June 2000. This increase in provision and associated

insurance expense was brought to account in the department's financial statements as at 30 June 2000.

- 2000-2001 Financial Year

For the financial year ending 30 June 2001, the measurement of insurance provision was altered with provisions being determined by an appointed actuary, as opposed to self-assessment by departmental officers.

From this actuarial assessment it was identified that the insurance provisions previously recognised by the department were overstated and should be decreased. The impact of this was a decrease of \$12 million in insurance provision and associated expenses of the Department. This decrease impacts on any comparison of insurance expenses across the 2000-01 and 2001-02 financial years.

- 2001-2002 Financial Year

The department undertook a review of its medical malpractice insurance provisions identifying that Incurred But Not Yet Reported (IBNR's) claims had not been taken into consideration in previous financial years. An actuary was contracted to undertake an additional assessment to calculate the value of appropriate provisions relating to IBNR's.

The department also reviewed all relevant accounting standards, concepts and other authoritative pronouncements to ascertain the appropriate accounting treatment associated with IBNR's. This review identified that under Australian Accounting Standards (AAS) 26 'Financial Reporting of General Insurance Activities', the Department, as a self-insurer, was not required to recognise IBNR's. It was however permitted to adopt the principles outlined in AAS 26 relating to IBNR recognition at its own volition.

The additional actuarial assessment for IBNR's identified that with an average claim value of \$87,173 and the inclusion of a prudential margin of 25% the provision, and associated expense, for medical malpractice insurance needed to be increased by \$30.685 million. This took the total provision for medical malpractice insurance of the Department to \$76.225 million.

Given the non-prescriptive guidance surrounding the accounting treatment of IBNR's and the recent public attention relating to insurance activities of other insurance organisations (e.g. HIH and UMP), the Department elected to take a conservative approach. The result of this is that all potential liabilities of the Department associated with medical malpractice (including IBNR's) are provisioned for and disclosed within the Financial Statements.

The impact of the change to the deductible, assessment methodology and accounting treatment (inclusion of IBNR's) are highlighted in the following tables.

Since the Department effectively became self-insured total insurance related expenses decreased significantly in 1999-00 (\$3.1 million). Since then, the expenses have varied slightly with the value of claims below the \$1,000,000 deductible decreasing consistently and a one off deductible expense for 2000-01 of \$2 million, as summarised in Table 1.

TABLE 1

	1998-99	1999-00	2000-01	2001-02
Insurance Premiums paid to SAICORP	\$18,055,137	\$12,173,037	\$11,956,249	\$12,985,998
Value of Claims Settled Below Deductible	\$906,167	\$3,677,363	\$2,251,654	\$1,986,069
Cost to Department of claims in excess of Deductible	\$0.00	\$0.00	\$2,000,000	\$0.00
Insurance Related Expense for Medical Malpractice	\$18,961,304	\$15,850,400	\$16,207,903	\$14,972,067

Table 2 shows that the professional indemnity insurance provisions of the Department have varied substantially over the past three financial years. The average value of claims has significantly decreased as a result of the Department employing actuarial assessments for the 2000-01 and the 2001-02 financial years.

Prudential margins applied to provision calculations have increased from 12.5% to 25% for IBNR calculations. Combining the increase in prudential margins with the increased number of base claims (with the inclusion of IBNR's) the total provisions of the Department have increased to \$76,225,000.

TABLE 2

	1999-2000	2000-01	2001-02 Total	2001-02 IBNR
Provision Base Claims	484	449	827	352
Claim Value for Provision	\$117,749	\$100,151	\$95,873	\$87,173
Prudential Margins	12.5%	15%	15%	25%
Insurance Provisions	\$56,947,622	\$44,968,000	\$76,225,000	\$30,685,000

The increase in insurance provisions of \$30,685,000 million for the year ended 30 June 2002 results from a distinctive change in accounting policy with the first time recognition of IBNR's. These potential liabilities have always been in existence but this is the first year in which the Department has brought them to account.

Given the Department's effective position of being self-insured the election to recognise all of its potential liabilities demonstrates a prudent approach to financial management through the recognition and disclosure of its true financial obligations.

As the honourable member is aware, the Treasurer is looking at the issue of capping liability generally and the recommendations of the Ipp Review of the Law of Negligence.

The number of medical malpractice claims reported has not increased significantly in the last few years as demonstrated in the table below.

Financial Year	Number of Claims
1998-99	239
1999-00	139
2000-01	164
2001-02	157

The estimated value of claims reported has also remained reasonably static over the last few financial years as indicated by the following table.

Financial Year	Value of Claims
1998-99	\$112 million
1999-00	\$136 million
2000-01	\$142 million
2001-02	\$139 million

What needs to be understood is that over this period the liability of the Department has increased as a result of the change in the deductible from \$50,000 to \$1,000,000. That is, instead of the Department only having to incur the cost of claims less than \$50,000 it must now meet the cost of all claims for less than \$1,000,000. This has resulted in the need for the Department to recognise an increase in the number and dollar value of claims for which it is liable and a reduction in the cost of the premium paid to SAICORP.

It should also be noted that the above tables do not include IBNR incidents as these were recognised for the first time in the 2001-02 financial statements. DHS considered it to be prudent to recognise the liability associated with IBNR's as it is likely that this liability will need to be met by the Department as opposed to SAICORP should the incidents be reported at some time in the future. That is, the liability and associated cost to fulfil the subsequent claims will sit with DHS not SAICORP as past trends indicate that the value per claim is below the \$1,000,000 deductible.

LOCAL GOVERNMENT BENCHMARKING

In reply to Mr VENNING (4 December 2002).

The Hon. R.J. McEWEN: The recommendation the honourable member referred to was recommendation 8.5 of the report entitled *Reform of Local Government in South Australia: Councils of the future*, prepared by the ministerial advisory group on Local Government Reform in June 1995 under the chairmanship of the late Graham Anderson. The recommendation itself was that 'Performance benchmarks be developed and implemented for comparison and

internal management purposes in Local Government, in conjunction with appropriate procedures for use in reporting and planning.'

Requirements for strategic management planning, and reporting on associated performance measures adopted by councils, were included in the Local Government Act 1999. In South Australia successive governments have taken the position that benchmarking to look at comparative performance of councils is useful only if based on comparable information and is best undertaken by the Local Government sector itself.

As South Australian Local Government councils are primarily responsible to their communities for determining the appropriate mix of services and facilities to be provided there will be variation from one council to another. Accordingly a great deal of caution must be exercised when comparing councils externally to acknowledge the local priorities and strategies determined in consultation with their communities.

Nonetheless the sector recognises there is value in external comparisons and has undertaken considerable work to determine what may be useful to measure. A range of comparable 'corporate' performance measures have been agreed and data collected and managed by the LGA. Councils were provided with initial results from this project late in 2002. The trialling of this data has enabled councils to compare themselves externally with regional averages and to access expert advice to interpret and respond to their individual results. This is the first time that sector wide comparable data has been available and it is hoped that a review of the outcomes will confirm its value in benchmarking and performance enhancement and will enable councils to report externally to their communities. The government encourages these moves.

CATCHMENT MANAGEMENT SUBSIDY SCHEME

In reply to Mr BRINDAL (4 December 2002).

The Hon. R.J. McEWEN: The Minister for Environment and Conservation has provided the following information.

1. Annual funding for the Catchment Management Subsidy Scheme has been maintained at the previous government's approved level of \$2 million. I refer the member to the 2002-03 portfolio statements—budget paper No. 4, volume 2, page 8.60. The allocation and expenditure for the scheme is included under 'Payments—Grants and subsidies' line.

2. The annual provision of \$2 million included in the 2002-03 budget and forward estimates for the scheme will continue to be earmarked for flood mitigation projects and projects that address water resource management on a 'whole of catchment' basis, such as water harvesting and reuse.

3. Funds available for the Catchment Management Subsidy Scheme will be applied to projects that qualify for assistance. The recently completed review of the Catchment Management Subsidy Scheme recommended additional funding for the scheme to reduce the backlog of works. The findings of this review have been referred to the Local Government Forum to determine what action is necessary to address the backlog in flood mitigation and stormwater drainage works and to examine the recommendations in the report on ways to fund the works.

PAPERS TABLED

The SPEAKER: I lay on the table the report of the Public Works Committee on the Flinders Medical Centre—Mental Health Capital Project, which has been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991.

Pursuant to section 131 of the Local Government Act 1939, I also lay on the table the following annual reports of local councils for 2001-02:

City of Holdfast Bay—
City of Norwood Payneham and St Peter's
Port Pirie Regional Councils
Wattle Range Council.

The following paper was also laid on the table:

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

National Environment Protection Council—Report 2001-02.

WORKCOVER

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: I advise the house of a matter of great concern to the government and to all South Australians. Last Friday, the board of the WorkCover Corporation, appointed by the former Liberal government, determined to increase the average levy rate to 3 per cent and announced that there has been a reassessment of its financial position that has identified an unfunded liability of \$350 million as at December 2002. This is an appalling state of affairs caused by incredibly poor decision making under the former Liberal government.

WorkCover's liabilities are the assessed costs of existing claims for the next 40 years. The unfunded liability is determined by subtracting the assets that WorkCover presently has from the value of its claims liabilities 40 years into the future. There are three key factors that have caused this situation: firstly, the unsustainable rebate provided in 2000, together with the unaffordable reduction in the average levy rate from 1 July 2001; secondly, the understatement of WorkCover's liabilities when the average levy rate was reduced; and, thirdly, poor investment outcomes.

The rebate and reduction in the average levy rate has reduced WorkCover's income by \$135 million. The decision to reduce one of WorkCover's two sources of income, that is, levy income, was made in the face of a deterioration of WorkCover's other source of income, that is, investments, and a worsening unfunded liability. In terms of ensuring a sustainable and well managed workers' compensation scheme, the decision to reduce the average levy rate in these circumstances was incomprehensible and irresponsible.

Mr BRINDAL: On a point of order, Mr Speaker, this ministerial statement appears to canvass matters which are absolutely and quite properly debating matters in this chamber. Therefore, I ask you, Mr Speaker, whether this issue should properly be delivered as a ministerial statement or in a way in which it can be debated by this place.

The SPEAKER: Order! There are a couple of observations I make for the benefit of honourable members. In the first instance, if the member for Unley believes that the statement is worthy of noting or being dealt with in some other manner, it is within his power to give notice of his

intention to have it so debated whether through an urgency motion or any other of the means provided for the member and any other member by standing orders. The second observation I make is that the florid pejorative rhetoric used at the outset of the statement is inappropriate, since it incites antagonism to a view which may not be shared by other members and is better left to other forums provided for in standing orders, such as in response to a question as to what is the government's view or substantial debate on a motion moved by any member, whether from the government or the opposition side.

Ministerial statements were intended to provide factual information to the parliament prior to question time about matters of concern to the parliament in which the government had information not in the possession of the parliament and also upon which the government wished to express a view as to what ought to be done to rectify any problem which may have been alluded to in the course of the remark. I ask the minister and, more particularly, ministers and their advisers to bear in mind from this point forward what the standing orders say about ministerial statements. There may arise a time when leave is withdrawn, and I remind all honourable members that the chair is equally a member of this place just as they are, and it may be the chair's prerogative right to withdraw that leave as much as that of any other member.

The Hon. M.J. WRIGHT: The average levy rate had remained at 2.86 per cent for eight years. The decision to reduce the average levy rate took effect seven months and nine days before the state election.

A critical factor in setting the average levy rate is the assessment of WorkCover Corporation's liabilities. There were three assessments at the time the levy rate was reduced: two from actuaries and one by an internal unit at WorkCover. The board chose the most optimistic assessment, which was provided by one of the actuaries. The other actuary, appointed by the auditors, and the internal unit, both made significantly higher assessments of the liabilities. The board of WorkCover Corporation now believes that the unfunded liability was as much as \$100 million more than the figure it based its decision on when it dropped the average levy rate. The average levy rate had been unchanged for eight years. The levy rate reduction came into force seven months and nine days before the state election.

In the late 1990s, WorkCover achieved excellent investment outcomes. In 2000-01, like many other significant investing institutions, WorkCover's investment return plummeted from 13.6 per cent the previous year to 2.1 per cent. Against the background of freefalling investment outcomes, WorkCover decided to reduce its only other significant source of income—levy income.

Again, I remind the house that the reduction took effect seven months and nine days before the state election. There had been no change to the average levy rate in the preceding eight years. As many South Australians remember, the former (Liberal) government claimed credit for the rebate and the reduction in the average levy rate. The Hon. John Olsen (the then Premier) and the Hon. Michael Armitage personally wrote to thousands of South Australian employers. They took credit for the unsustainable cut to the average levy rate. They demonstrated the former (Liberal) government's appalling disregard for the independence of the WorkCover Corporation under the legislation. In their letter, they told South Australian employers:

Our government established a WorkCover levy rebate policy. . .

The former (Liberal) government said, and again I quote from their letter:

We have managed the scheme into a solid financial position.

Even in opposition the Liberals continued to claim responsibility for the decision. In May last year, the member for Davenport said that the former (Liberal) government lowered WorkCover levies for businesses. Interestingly, in his press release of May last year he predicted an increase in the average levy rate. There had been no change to the legislation, no change to the board and no change to management. What information did he have? Why did he make such a prediction? When he was asked whether there had been political interference with WorkCover's activities, he said, 'Not to my knowledge.'

Within days of our coming to government, the board of the WorkCover Corporation, appointed by the former (Liberal) government, decided to keep the average levy rate at 2.46 per cent. In opposition, I had made clear my concerns. I questioned WorkCover about its financial position. I was continually assured that WorkCover was only experiencing a short-term deterioration that was manageable under the existing arrangements. I was anxious to ensure the sustainability of the WorkCover Corporation, so I raised the issue with Treasury officers in the Office for Government Enterprises.

On 6 June last year I made a ministerial statement to the house. I advised the house that, following discussions with the Office for Government Enterprises, I had commissioned a report on financial reporting, corporate governance and other practices critical to the financial management of WorkCover. I have now received a report from SAFA dealing with financial issues and a report from the Office for Government Enterprises dealing with governance issues. These reports provide a basis for determining reforms to the structure of WorkCover. The decision to reduce levy income makes sense in only one context: the election that the former (Liberal) government was so desperate to delay.

In its unseemly grab for votes, financial responsibility was disregarded. The former (Liberal) government caused this, the Rann Labor government inherited it and the Labor government will fix it, by: sweeping changes to the board; changing the culture of WorkCover management; improvements in the governance structure of WorkCover Corporation; safer workplaces; and better rehabilitation and return to work. It is unacceptable that South Australian business has to further bear the burden of failures under the former (Liberal) government. It is yet another issue that we are determined to fix up.

TAFE

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. LOMAX-SMITH: Various allegations of improper TAFE enrolments were made by the State President of the Australian Education Union to the Chief Executive of DFEEST on Monday 17 February. On Wednesday 19 February Democrat MLC Kate Reynolds asked a question without notice raising similar allegations, and on Thursday 20 February Mr Black received two emails from the AEU President containing additional information on the allegations.

On Friday 21 February, the allegations and all material were handed to the Manager, Internal Audit, for investigation. On Monday 24 February, the manager met with the principal auditors from the Auditor-General's office and the SA Police Anti-Corruption Branch to discuss the allegations. Both the Auditor-General and the Anti-Corruption Branch confirmed that there were no grounds for their involvement at this stage. However, they will both review the audit investigation as it is completed.

A secure email address was established to ensure that confidential concerns could be conveyed to the audit team. KPMG and Deloitte Touche Tohmatsu were contacted by Internal Audit to undertake the work. It is anticipated that the reports from the audit team will be completed shortly. Once the Auditor-General and the SA Police Anti-Corruption Branch have reviewed the reports, they will be presented to me and I will report all findings to the parliament.

Members interjecting:

MEMBER FOR KAVEL

The SPEAKER: Order! I rise to respond to the inquiries put to me during the last day of sitting about whether or not the allegation raised by the member for Kavel on 20 February that the Minister for Education refused to allow him to attend a meeting between her and representatives of the Mount Barker South Primary School is prima facie an issue of privilege, and therefore whether the matter should be given precedence according to matters of privilege.

If the allegations made by the member for Kavel (on the second page of his letter to me dated 3 March) regarding advice from the minister's staff that he was not invited to the meeting are correct, and if that advice was given on the instructions of the minister, as alleged, the minister may well be guilty of discourtesy to the member and of frustrating his attempts to assist his constituents, quite properly, in the manner desired by him and, more particularly, by them as is their right.

However, these alleged events, whether or not they are capable of being proved—and it is not the domain of this chamber to set out to discover the proof of them—nonetheless fall short of the definitions of 'obstruction' and the 'proceedings of the house' (as contained in the terms to which we refer from time to time) against which a claim of breach of privilege should be measured, and therefore I do not intend to give precedence for a motion on the matter. However, I point out to the house, the minister, and indeed all ministers and all members, that no member should seek involvement in another member's electorate and the responsibilities they have to that electorate as the delegated authority to speak on behalf of that electorate in preventing that member from participating in any event in which polity is being determined. That is grossly discourteous.

Nevertheless, I reiterate that any such attempt to prevent any member from attending a meeting of constituents with a minister, or in any other circumstances, is impertinent and bad mannered and a matter which I have always viewed—and been subjected to by governments of both political persuasions—nonetheless very seriously. It is my strong view that, should members find that this continues to occur, they should draw the attention of the house to it. Indeed, they may wish to approach me for advice about it, and the chair would be prepared to discuss that matter with them. In order that we can demonstrate to the public at large, whom we represent, that we do respect the office to which they have elected us,

it will do us better if we treat each other and the office we hold with more respect than we have in recent years.

Mr BRINDAL: Mr Speaker.

The SPEAKER: The member for Unley has a point of order.

Mr BRINDAL: No, Mr Speaker. On that matter of privilege, does that mean that your ruling defines the duties of the member of parliament in respect of obstruction as laid down in Erskine May—the duties of a member as in two degrees: the duties that a member owes to his electorate outside this place; and the duties within this place? I did not quite understand the purport of your remarks in that respect.

The SPEAKER: Both and more. Erskine May is not the only authority to which I have referred in my deliberations on the matter. Both, too, in regard to not only obstruction but also proceedings of the house. I was inclined to hesitate before using that phrase, 'proceedings of the house', bearing in mind that a member's ability to raise matters of concern or to participate in debate in this chamber—in either of the processes of question or debating a matter of substance put before the house—must not be impeded by a minister or at the direction of a minister by a minister's staff or servants, or by a public servant. That is a serious breach of privilege and one which I would regard, and I am sure all speakers before me have regarded, as worthy of condemnation should it arise.

QUESTION TIME

POLICE NUMBERS

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Police. How many police have either resigned or retired from the South Australia Police Force in the past year, and why has a second police training course this year been cancelled by the state government? Earlier this year the March training course for new police recruits was cancelled. I now understand that a second course, scheduled for May, has also been cancelled. It will now be at least June before a police recruitment training course will be commenced. I have been advised that, in the absence of these courses, trained recruits will not be available to cover retirements or resignations in the next six months.

The Hon. P.F. CONLON (Minister for Police): I will actually check it, but those matters are in the hands of the Commissioner. I would be very disturbed if we were not recruiting against attrition because we have made a very plain and clear commitment to that, and we are doing it.

The Hon. R.G. Kerin: You're not.

The Hon. P.F. CONLON: The leader says that we are not, but I would actually check a few figures before I agreed with the Leader of the Opposition, because this is a matter on which the opposition has no credibility whatever. What I will tell the house is that, as we speak, there are some 300 more police than there were in 1998 and 1999, and that is why we made the commitment. Let me tell members why that is the case and why we have made the fundamental commitment to recruit against attrition through the lifetime of this government. It is because, prior to this government, for the two terms of the previous Liberal government, with its merry-go-round of premiers, for that awful 8½ years it would deliberately run down the police by several hundred to save money and then, when it got a little political heat, it would recruit before elections.

That is what happened leading up to two elections in a row. We said that that was a disgraceful and cynical way to run a police force. It was disgraceful for the police and it was disgraceful for the people who deserve a service from the police, and we are maintaining against attrition for the first time in 8½ years. I will get an answer from the Police Commissioner, but let me tell members that it is the first time the police and the community have had the commitment—the first time in 8½ years. We are as good as our word. We will keep our word, and that is a good thing for the people of South Australia and a considerable improvement on the cynical and hypocritical way that the police used to be handled.

STATE BUDGET

Mr KOUTSANTONIS (West Torrens): I ask the Deputy Premier and Treasurer: what impact does freezing the level of fees and charges have on the state budget?

The Hon. K.O. FOLEY (Deputy Premier): Can I thank my colleague for his question. It is a difficult time of the year when one prepares a budget, and it will be a difficult budget for this government to bring down as we clean up the mess from members opposite. But I, like many in this house, and I dare say quite a few on the opposition benches, was gobsmacked when I heard the Leader of the Opposition on ABC Radio. He was being interviewed by Matthew Abraham and David Bevan about this government's decision, in line with every single Liberal decision, certainly since 1996, to increase fees and charges, according to the Kerin-Lucas formula, for CPI and wage adjustments.

But the Leader of the Opposition was pushed and pushed and pushed on this point about whether he would freeze these charges, and this is what he said:

Bevan: You think they should freeze government taxes and charges?

Opposition Leader: . . . they could give it a rest this year. . . if you look at the other money coming in.

Abraham: . . . are you saying the government should freeze this round of increases?

Opposition Leader: . . . if you want a straight answer, 'yes'. . . the reason being that \$150 [million] plus \$22 is an extra 170-odd. . . far too much to take out of the state taxpayer.

The opposition must be held accountable every time they ask for a tax cut and every time they ask for more spending, because I would like the Leader of the Opposition to explain: does this now mean that next year's budget deficit, on an accrual measure, will blow out in excess of \$70 million, that the Leader of the Opposition is going to add to debt? Or is the Leader of the Opposition going to cut \$22 million worth of teachers? That is 311 teachers, I am advised. Or is the Leader of the Opposition suggesting we should close down 100 beds? You cannot say that you will not raise \$22 million a year and then not explain where the money is coming from.

So, I challenge the media, and the Leader of the Opposition must answer this question today. With \$22 million less revenue, on the policies of the Leader of the Opposition, is he going to cut teachers, is he going to cut hospitals, or is the Leader of the Opposition going to increase the scheduled deficit for next year from \$54 million to \$70-plus million? He is shaking his head. He says I should cut into the \$150 million. Well, the \$150 million that the member refers to still means that next year we have a budget deficit, on an accrual measurement, of \$54 million.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: Yes it does.

The Hon. R.G. Kerin: You haven't done the adjustment.

The Hon. K.O. FOLEY: We 'haven't done the adjustment'. You are a financial fool.

Members interjecting:

The SPEAKER: Order! I take exception to that. There are things in my behaviour which members may regard as foolish, but one thing I am not is a fool. Nor is any other member in this place. I invite the Treasurer to come back to the substance of his question, and, if he has any further factual information to provide to the house, to do so, and, if not, to allow another member to ask a question.

The Hon. K.O. FOLEY: The interesting thing is: what did the Leader of the Opposition and his colleagues do in the years leading up to? According to the Leader of the Opposition, because this year, for a half year effect, we are looking at \$150 million of increased revenue, I somehow should cut taxes. Well, what did members opposite do? In 1999-2000 taxation revenue receipts, all taxations, were up \$135 million. In 2000-01 all taxes were up \$111 million. In their last year, in 2001-02, they were up \$209 million above budget. Never once did the Leader of the Opposition advocate a freeze. Never once did the Leader of the Opposition at any point cut taxes or not increase charges.

So, I say to the Leader of the Opposition that if he wants to have credibility he had better start answering this question. If you make a commitment on radio, you make a commitment in media, we will monitor each of those, and come the next election—

Mr BRINDAL: I rise on a point of order, Mr Speaker. A moment ago you ruled that the Treasurer must speak through the chair yet he continues to address his remarks across the chamber.

The SPEAKER: Order! I uphold the point of order.

The Hon. K.O. FOLEY: I will conclude on this point by saying this: the media today have to ask the question—and the Leader of the Opposition must give this answer—will he now admit that on his policy setting the budget next year will blow out to in excess of \$70 million a year, or is the Leader of the Opposition advocating \$22 million worth of budget cuts; if so, where are those cuts coming from? The Leader of the Opposition, lacking in economic credibility, made a fool of himself on public radio. He now needs to answer the questions.

TERRORISM

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Police. Why has the state government delayed the purchase of counter terrorism response equipment and specialised bomb response equipment, in particular bomb suits, an Echidna robot, X-ray equipment, specialised rifles and safety vests required by SAPOL? SAPOL, through the Special Task and Rescue Group, is charged with providing South Australia with an effective response to terrorism. A briefing note outlined the need for bomb suits, an Echidna robot, X-ray equipment, specialised rifles and safety vests. The estimated cost of the equipment was \$1.36 million. I am advised the equipment may take up to 18 months to be delivered after an order has been placed.

Members interjecting:

The SPEAKER: Order! I am not sure that the last sentence of the honourable member's explanation was, in fact, part of an explanation.

The Hon. P.F. CONLON (Minister for Police): I am not quite sure I completely understand the question. However, I

will do my best to answer it, because that seems to me to be vastly preferable to having it repeated. If the member for Mawson is speaking about a bid in the current bilateral process—and I am not sure what he is referring to—he will just have to wait like everyone else for the budget to come down. What I will say to the member for Mawson is that we saw an increase in funding to the police in the last budget. I have already made the point that we are the first government in almost a decade to recruit against attrition and to give that firm undertaking. We will check the alleged facts of the Leader of the Opposition and come back on that.

I also point out to the member for Mawson that we recently announced the establishment—with extra funding—of a state security unit addressed in particular to the matters to which he refers. All those matters are in train. However, if this question is about a sneak preview of the budget, he will just have to wait. I suspect the member for Mawson will count it down in sleeps, but he will just have to wait the extra sleeps to get there. I refer to the point the Treasurer just made: on the one hand we have the Leader of the Opposition suggesting that we should forgo maintaining taxes at a real level and take a budget cut or a hit to be budget: on the other hand we have the member for Mawson saying, 'Yes, but we also want you to go out and buy more equipment for the police.' One of the things we have to keep returning to—and this is one of the things that the former lot failed to achieve when they were in government—is that you have to balance how much money you are getting with how much money you are spending. It is one of those things you have to do.

I rather suspect this inane question has more to do with Terry Plane's article in the Messenger than it has to do with faith in the abilities of South Australia Police. We know about that. The member for Mawson was desperate to get some attention. I have been looking for something and I found a transcript of when he was on radio 5UV. It is a statement to the generosity of the students of this state that they gave the member for Mawson a run. However, when they did that, he wanted to build a fire station in Golden Grove, too. However, he did not say how he was going to fund it. At the end of it—

The Hon. D.C. KOTZ: I rise on a point of order, Mr Speaker. The minister is debating this question, not answering the specifics and the substance of the question asked.

The SPEAKER: Order! It is an interesting opinion.

The Hon. P.F. CONLON: I make the point that, whenever a member of the opposition wants to ask vague questions about future spending, I will answer them. What happened in the radio interview is that the students went on to take him to pieces. They said, 'Aren't you the bloke they wrote about? Aren't you the bloke who has been ineffective? Is that why you are on our radio program?' He got taken to pieces by a uni student! It was very embarrassing, and I am sure that he will not venture into that lion's den again.

The difference is this: we made a firm commitment to a unit to protect the state's security and we funded it. They were not vague words, they were not promises—it is something delivered.

STATE BUDGET

Ms THOMPSON (Reynell): My question is directed to the Treasurer. What is the effect on the budget of adopting recent suggestions for increases in government spending, reversal of budget savings and cuts to taxes?

The Hon. K.O. FOLEY (Treasurer): I would like to come back to the difficulty that governments have at this time of the year in framing a budget. What I find from the alternative government of this state is nothing short of hopeless financial and budgetary management. We have in the Leader of the Opposition, in the absence of a shadow treasurer in this chamber, someone who is trying to be the carrier of the opposition's economic credentials, but he cannot go unchecked and we are keeping a tally of commitments and promises put forward. The opposition leader and others have called for a cut to land tax, but we have had no suggestion as to how that could be funded. I have already advised the house of some \$22 million that they would add to the budget deficit, unless cuts are made elsewhere in government. On 15 January, the member for Waite, the shadow minister for tourism, issued a press release—

Mr BRINDAL: I rise on a point of order. I ask you, Mr Speaker, whether the Treasurer is addressing the substance of the question he was asked or whether he is straying into matters superfluous to this house.

The SPEAKER: The member for Unley asks whether or not the question about the effect of proposed cuts in revenue and proposed increases in charges, by whom was not specified, will have an effect on the state budget. It was a very general question. I do not see that the Treasurer has gone outside the ambit of the inquiry at this point. The Treasurer.

The Hon. K.O. FOLEY: Thank you, sir. The important point is that the member for Waite called on the government to reverse budget cuts to tourism of \$16 million. That is another \$16 million that you want added to the deficit of this state. However, the big one was an article in the *Financial Review* a few weeks ago by, again, the Leader of the Opposition. The Leader of the Opposition, understandably, has a passion for the River Murray, as you do, sir, and as do members of the government, especially the Premier and the Minister for Environment and Conservation. In relation to work required to fix the Murray, the Leader of the Opposition said:

The capital cost would be huge. It would cost hundreds of millions of dollars to change the present system. . . . But the cost of present inefficiencies and water loss is hundreds of millions of dollars, too.

You have now committed your party to hundreds of millions of dollars for the River Murray. You now need to tell this house how you are going to pay for it. What taxes are you going to increase?

Members interjecting:

The SPEAKER: Order! I think that the mind-set of the Treasurer subconsciously leads him to the view that it is legitimate to attribute these problems to me or to mistakenly engage in debate of what has been said by the leader and other members of the opposition. It is neither appropriate nor orderly within the framework of standing orders to engage in raising straw men and then, through debate, tearing them down in answering questions. If the minister, in this instance, does not have factual information to provide to the house, it is not the wish of the house to further hear him in debate.

The Hon. K.O. FOLEY: With the state budget coming down, I am interested to know what the opposition intends to do in terms of funding all the commitments that it consistently makes. A call for hundreds of millions of dollars is now on the public record—

An honourable member interjecting:

The Hon. K.O. FOLEY: The *Financial Review* of Friday 7 March. We are keeping a record, and the Leader of the

Opposition is now committed to hundreds of millions of dollars for the River Murray. We have had one year of opposition, and already they have chalked up hundreds of millions of dollars of election promises—hundreds of millions of dollars of spending promises. The opposition has no credibility on this issue. I say to the Leader of the Opposition, 'You have to be accountable; you have to give the answers.' The opposition must provide the media with information every time it says that it will spend a bit more or cut a tax. The opposition has to say where the money is coming from. That is the challenge to this Leader of the Opposition, and I look forward to his delivery on it.

POLICE BUDGET

Mr BROKENSHIRE (Mawson): My question is directed to the Treasurer.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens will come to order.

Mr BROKENSHIRE: Does the Treasurer agree that the police budget should be significantly increased and, if not, why not? I have been advised that a number of police local service areas are experiencing a reduction in the number of officers available to respond to calls from the public. Recently, six officers were removed from the Port Adelaide LSA leaving local residents with a reduced number of police to deal with calls from the public.

The Hon. K.O. FOLEY (Treasurer): The opposition still does not get it. Where is the money coming from? They just do not get it. We point out to them that you cannot make spending commitments and not say where the money is coming from—or are we going to see the budget deficits of this state continue to be blown out by tens—if not hundreds—of millions of dollars? The opposition must be responsible. I look forward, in future days and weeks, to the opposition putting in the hard work and effort and not asking lazy questions. They should not ask lazy questions: they need to do the hard work and identify where the money is coming from.

CLIPSAL 500

Mr SNELLING (Playford): My question is directed to the Premier. How successful has the Clipsal 500 been?

Members interjecting:

The SPEAKER: Order! I did not hear the question, but the Premier obviously did.

The Hon. M.D. RANN (Premier): I was asked the difficult question—and it would have been nice to have had more notice—of how successful was the Clipsal 500 event held over the weekend. I will be making a major announcement today, and I hope that there will be a sufficient degree of calm and quiet in readiness for that announcement.

This year's Clipsal 500 was extended from three days to four days, making it the biggest national motor racing event in Australia. The people of Adelaide have shown in record numbers their overwhelming support for the new format. I want to congratulate the Minister for Motor Sport (the Treasurer), who is known as a petrolhead from way back, not only for his efforts in securing a four-day race but also in exceeding every single target that we gave the organisers of the race.

The four days provided 10 categories of motor racing and three huge concerts. Remembering that last year about

171 000 attended, over the four days this year a total of 213 600 people attended the race. Sunday attracted a record of 70 400 compared to 65 600 last year. Ticket sales exceeded \$4.2 million, which is \$900 000 above last year. Corporate and sponsorship revenue exceeded \$7 million. Over 9 000 corporate clients attended both Saturday and Sunday. The economic benefit to Adelaide is estimated at more than \$20 million, and the race attracted 9 500 visitors from interstate and 1 500 from overseas. Visitors from overseas included a number of high profile industry leaders who were invited to the event by the government to progress discussions aimed at attracting key investment to our states. We had visitors from Singapore, Malaysia, Hong Kong, Beijing and Shanghai and also, of course, from the United States and Britain.

Adelaide's accommodation levels were at near capacity during the event and, with the event now telecast free to air in China, this year's Clipsal 500 received an estimated 200 million additional viewers. The government contributes just under \$1.4 million to the event which, of course, is a fantastic return on investment. Adelaide has secured the event for the next five years, from 2000 to 2008, and hopes to go on from there.

But I have a major announcement to make. It is vitally important for members of government, as well as opposition, to listen to the people. Having walked around the grandstands and the track, the clear message that the government received is that next year they want more toilets. So, I have very much pleasure in announcing today an extra 200 toilets for next year's Clipsal 500—a commitment I intend to keep.

Mr Koutsantonis interjecting:

The Hon. M.D. RANN: The member for West Torrens asks for more information. Over this four-day event, five major toilet cities were established along with 400 single units, and on top of that every available portable latrine for hire in Adelaide was in operation for the race. But it clearly was not enough, if I am to go on the feedback provided to me, in a polite and sometimes not polite way, prior to the INXS concert. So, we will be getting more toilets. I have issued an instruction today: more toilets, improvements to the bridges, and also a new bridge. I want a new bridge—Foley Bridge—across to help ease the speed of transit.

The Hon. K.O. Foley: And the Rann Toilets!

The Hon. M.D. RANN: Exactly. I appreciate that there were a few delays in getting people from one side of the track to the other, and there is now a program in place to upgrade the existing overpasses and put in an extra one.

HOSPITALS, CLOSURE

The Hon. R.G. KERIN (Leader of the Opposition): Despite statements by the chair of the health review, will the Minister for Health give a commitment to uphold Labor's election promise that no country hospital will be closed? The chair of the health review said at a public forum on Wednesday 5 March that the health review would recommend the closure of some country hospitals, including at least one in the Riverland. Before and during the election campaign the minister said that no hospitals would be closed.

The Hon. L. STEVENS (Minister for Health): Yes.

GAMBLING

Mr O'BRIEN (Napier): My question is directed to the Minister for Gambling. What are the government's achievements in the area of gambling?

The Hon. J.W. WEATHERILL (Minister for Gambling): I thank the honourable member for his question: I know his real concern about this issue. It is an issue in the suburbs comprising his electorate as indeed it is for much of the metropolitan area. First, I acknowledge that this week is Problem Gambling Awareness Week, sponsored by the Adelaide Central Mission. I had the pleasure to meet Paul Bellringer from the United Kingdom, who is visiting Adelaide to address a number of fora that will be set up during this week in relation to problem gambling awareness. Mr Bellringer is the chief executive of a London based charity organisation GamCare.

During the election campaign, this government promised a number of measures to assist problem gamblers. Those promises have been met. In the first year, the government has provided additional funding in the forward estimates of \$4 million to the Gamblers' Rehabilitation Fund to provide counselling services to problem gamblers; \$1.1 million to the Independent Gambling Authority to assist it to perform its functions and research agenda; and \$.8 million to introduce an education program for young persons before they become gamblers. As I have previously indicated publicly, the government will be bringing a bill before this place to seek to extend the freeze on gaming machine numbers by a further 12 months to allow the work of the Independent Gambling Authority to be completed.

As members may be aware, the government embarked on that inquiry pretty much as soon as it assumed government, notwithstanding that the previous government had been promising an inquiry for some years. We acted upon the commitment that it gave to inquire into the effectiveness and efficacy of freezing gaming machine numbers.

Finally, the house may also be aware that we have also sought advice from the Independent Gambling Authority concerning a new reform in relation to early intervention in relation to problem gambling. We have in mind an enforceable order that may have the capacity to bar people from certain gaming venues in cases where demonstrable harm is being shown to families.

That is a new initiative. It is one that we think may have the capacity to intervene and ensure that families have some voice before the very real harm that we see emerging in the community as a consequence of problem gambling. Recently, we have seen some appalling statistics about the way in which much crime is being caused by problem gambling issues, and we are also seeing horrible family breakdowns and real harm being done to children and other family members.

The Independent Gambling Authority has successfully operated a voluntary barring scheme, but hopefully this measure will intervene prior to that time. Often voluntary barring occurs in circumstances when the real harm has already occurred and someone realises that they have caused this damage and are beginning to put their life back together.

We will have much consultation with the caring sector which deals with and picks up the pieces caused by problem gambling. We will also speak to the industry and consult with relevant workers in this field. This government has a real commitment to grappling with the issue of problem gambling.

I conclude by saying that, if any member has an interest in this topic and wishes to find out about the program and the various fora this week, my office would be more than happy to provide that information.

SCHOOLS, KANGAROO ISLAND

Ms CHAPMAN (Bragg): Did the Minister for Education and Children's Services set up the composition of the review committee on Kangaroo Island schools to comply with section 14 of the Education Act so that it met the requirement to enable schools on Kangaroo Island to be closed or amalgamated? Section 14 of the Education Act requires that schools cannot be closed or amalgamated except after a review has been conducted by a committee appointed by the minister. The membership of that committee is stipulated under the act. It must consist of certain persons, including nominees of the minister, a representative of the Director-General, a person nominated by the AEU, head teacher, a person nominated by school councils and so on. That is exactly the replication of the composition of the Kangaroo Island schools committee.

The minister has nominated the chair of that review, Labor MP Ms Gay Thomson, who has not excluded amalgamation on her public statements. In a media release last week, the minister claimed that reviews of this type are 'routinely conducted all around the state'. She has also stated that any suggestion that the state government was planning to close KI schools was wrong, but has not excluded amalgamation.

The Hon. P.L. WHITE (Minister for Education and Children's Services): This is a continuation of the debate that the opposition and the member for Bragg as part of that opposition have been running publicly on Kangaroo Island. It has been a bit of muckraking on behalf of the opposition—

Ms Thompson: Scaremongering.

The Hon. P.L. WHITE: —scaremongering and drumming up fear on the island. The facts are plain. The Island Education Council, which is a body comprising the three schools on Kangaroo Island, requested that I set up a review. This should not be a surprise to the opposition because, for many years, the council was similarly requesting of the then Liberal government that its issues be dealt with by way of review. In fact, evidence of this is clear when I look back over the correspondence between the member for Finniss (Hon. Dean Brown) and the former minister (Hon. Malcolm Buckby), which talks about the planning for a review of services and facilities on Kangaroo Island.

So, the Island Education Council itself requested a review of education services and facilities on the island. That is point one. The member for Bragg issued a press release on Wednesday 19 March 2003 which was headlined 'KI Communities and Schools Under Threat' and in which the honourable member was trying to draw some parallel between the fact that the review (which was requested by the island community itself) had been set up and the possible closure of schools, and the honourable member's press release is clear on that. In public statements and in a press release, I have made it very clear that that is not the intention of the government.

It is not the intention to close schools on Kangaroo Island. As yet, there is no report from that review. There are no recommendations to the minister in terms of a report. At this point a report has not been written. The community is consulting and talking about various options, and when they come forward in the form of a report I will consider them.

However, at this point, the opposition is simply embarking on muckraking, drumming up fear and attempting to cause disgruntlement amongst three school communities which, through the Island Education Council, requested that this review be done.

HOSPITALS, PUBLIC

Ms BEDFORD (Florey): My question is directed to the Minister for Health. How will the extra \$10.7 million approved by the government for allocation to our public hospitals for the remainder of this financial year be allocated to meet the increased demand for services?

The Hon. L. STEVENS (Minister for Health): On 10 March 2003 the government approved top-up funding as an interim measure to take some of the pressure off our metropolitan hospitals between now and the beginning of the new financial year, when more money already allocated in the forward estimates will come on stream. The demand for health services is at an all time high. Emergency department workload is up, with an extra 1 500 admissions, and there has been a 14 per cent rise in demand for intensive care beds, with a 55 per cent increase in the length of time a patient stays in the intensive care unit.

This unprecedented demand, coupled with a chronic shortage of nurses, is causing blockages in emergency departments and pressures on booking lists for elective surgery. The \$10.7 million will be spread across the metropolitan hospitals to reduce pressure in emergency departments and to fund more elective procedures. The Queen Elizabeth Hospital has received \$1 million to open 20 beds to improve the efficiency of the hospital and to allow increased patient activity not only in emergency admissions but also to enable it to do 60 extra elective procedures.

Another \$1 million will be spent at the Royal Adelaide Hospital, the Flinders Medical Centre and the Noarlunga Health Service for an extra 405 elective procedures. Because of the increasing demand for intensive care beds, the Royal Adelaide Hospital will also get \$1 million for an extra five ICU beds. At more than \$2 000 a day these are the most expensive beds in our hospitals, and the additional funding will also help reduce bed block. The remaining \$7.7 million will maintain extra work already being undertaken by our hospitals, including an extra five intensive care beds at Flinders Medical Centre, opened to meet the increase in demand. There are no quick fixes in health. Years of Liberal neglect means that we have a very big job ahead of us. But this government is committed to rebuilding and reinvigorating the health system.

STEHR, Mr H.

Dr McFETRIDGE (Morphett): Will the Attorney-General advise the house if he, or any member of his staff, was involved in drafting or writing a letter that was forwarded to the *Advertiser* for publication as a letter to the Editor by Mr Hagen Stehr of Port Lincoln?

Mr Koutsantonis interjecting:

Dr McFETRIDGE: I am not surprised that the member for West Torrens understands. By way of explanation, an article in the *Advertiser* by Rex Jory on 13 March 2003 noted:

The *Advertiser* received a letter to the Editor from a Port Lincoln businessman, Mr Hagen Stehr, praising the Attorney-General, Michael Atkinson. Unfortunately, the letter inadvertently included a note sent to Mr Stehr by the Labor member for West Torrens, Tom Koutsantonis, asking Mr Stehr to transfer the accompanying draft

letter praising Mr Atkinson to his own letterhead and send it to the *Advertiser* with a view to having it published.

Members interjecting:

The SPEAKER: Order! It is not clear to me as to what it was the member for Morphett sought to explain, from the explanation he gave to the house. However, may I point out to him and to all other honourable members that comments on what the media may have put to air or printed are not matters for which ministers have responsibility. Notwithstanding that observation, the chair will nonetheless allow the minister to address the question because, as I understood the explanation, the letter purported to have come on letterhead of the honourable the Attorney-General, in either his name as minister or his own name. The Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): No; the day that the story 'Legal Snobs' was published was, I think, a day on which cabinet was held, and when I came back from cabinet I did, however, receive a very nice fax from Mr Stehr congratulating me on my stand, but saying that, as far as—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: No, no, Mr Stehr faxed me presumably from his home in Mills Terrace, North Adelaide, to tell me that he lived in a leafy suburb, that he supported my law and order policies but that they ought to go much further.

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

Mr KOUTSANTONIS (West Torrens): My question without notice is directed to the Attorney-General. Who are the new members of the South Australian Multicultural and Ethnic Affairs Commission and what is the government doing to improve service delivery and administration of multicultural affairs in South Australia?

The Hon. M.J. ATKINSON (Attorney-General): I am pleased to inform the house that there are new members of the South Australian Multicultural and Ethnic Affairs Commission. Two of the appointments to the commission are from regional areas, and they are Peter Zdravkovski, from Port Lincoln, and Peter Ppiros, from Renmark. This is the first time in the 23 year history of the commission that we have two members representing regional South Australia. Those new members are joined by former Ghanain diplomat, Archie Andrews, the first ever African-born commissioner, in addition to the new Chairman, Mr John Kiosoglous, and new Deputy Chairman, Mr Hieu Van Le. All are eminently qualified and bring diversity and a range of talents to SAMEAC. I wish them well in their service to South Australians. I also recognise the contribution of the former chairman, Dr Tony Cocchiario, for his four years of dedicated service to the commission and retiring Commissioner Daisy Gan for her contribution to multiculturalism.

Mr Brindal: Should you be sporting a partisan brooch or a ribbon?

The SPEAKER: Order! The honourable the Attorney-General is already responding to one question. The member for Unley knows that it is out of order to interject and ask further questions during the course of a response. I direct the Attorney-General to ignore the member for Unley's interjection and I warn the member for Unley.

The Hon. M.J. ATKINSON: I thank Tony Cocchiario and Daisy Gan for their contributions. Dr Cocchiario is continuing to serve the interests of South Australia as a director on the

National Australia Day Council. Last year, the Office of Multicultural Affairs and the commission transferred from the Department of Premier and Cabinet to the Department of Justice. This prompted a review by the justice chief executive that started in November. There are several reasons for the review, including a lack of clarity in the boundaries and roles in the Office of Multicultural Affairs and the South Australian Multicultural and Ethnic Affairs Commission secretariat, and confusion in the multicultural community regarding their roles. There is also a need for improved communication and to strengthen the commission's ability to deliver its statutory obligations.

A workplace consultative committee that includes representatives of management, employees and unions has met and is preparing a report. It unanimously recommended that the SAMEAC secretariat and OMA staffing units be amalgamated. The important elements of the restructuring are that it strengthens the South Australian Multicultural and Ethnic Affairs Commission Act 1980 and allocates all OMA and SAMEAC staff to assist the commission as specified in section 12 of the act.

I do not intend to revisit the personality driven fracas of the former government's review of 1997. This review and structure will strengthen the ability of multicultural affairs to provide a service to the public and reflects the government's strong commitment to multiculturalism.

In answer to the member for Unley, I am sporting the flag of Belarus, which declared its independence in 1918, was suppressed by the Bolsheviks, despite the renowned uprising at the city of Slutsk and became independent again in 1991. On Saturday I was pleased to attend the 25th anniversary of the Belarus Association at Woodville North, and the most prominent building erected by the Belarus in South Australia is, of course, its church of Saints Peter and Paul on Torrens Road at Kilkenny, wholly funded by the South Australian government to the tune of half a million dollars as part of the redevelopment of the Hindmarsh Stadium.

YUMBARRA CONSERVATION PARK

Mrs REDMOND (Heysen): My question is directed to the Premier. Prior to the last election, did the Labor Party pledge to restore Yumbarra as a single proclaimed conservation park if the exploration lease expired? The lease held by Gawler Joint Venture Partners was relinquished earlier this year.

Members interjecting:

The SPEAKER: Order, the member for Morphett!

The Hon. J.D. HILL (Minister for Environment and Conservation): The member asked a question which is in my area of responsibility, so it is only logical that I should answer that question. Prior to the election, the Labor Party made a commitment in relation to Yumbarra. I point out to the house—and this is for the benefit of the member asking the question—that we have this problem only because the former Liberal government deproclaimed Yumbarra and allowed access to mining in that park. That created a problem which our policy sought to address. We did address that policy in the lead-up to the last election. We made plain what that policy was: that we would reproclaim Yumbarra should two things occur—not one as the member said in her question. The basis of her question is misleading. I am surprised that the member for Heysen would ask a question like that, because she is one member opposite who has some integrity.

Two criteria would need to be addressed in order for the government to reproclaim Yumberra, and those two criteria are, firstly, that the current lease would have to terminate, and that has occurred; the second is that the owners of that lease should have been unsuccessful in their exploration. The words we used were, 'The exploration would be fruitless.' I am advised that the exploration was, in fact, not fruitless. There has been a finding of mineralisation, although it was not the kind of mineralisation that the former lessee Dominion Mining was seeking, so it wished to pass it to another company to explore. However, the exploration has found something worth pursuing.

So, the two conditions that were in the Labor Party's pre-election promise have not been met. It should be obvious to the house that, once exploration had occurred, considerable environmental damage had already occurred on that piece of land. Why would we want to have the negatives associated with that exploration without looking at some of the advantages? If there is mineralisation there and it can be exploited, we will—

Members interjecting:

The SPEAKER: Order! I have warned the member once.

The Hon. J.D. HILL: It was government's view that, once the exploration had occurred, it would be sensible to allow it to be finalised, if there was something there worth exploring. That is the advice I have, so that is the basis of the policy. We have not breached our policy decision at all. It was made plain before the election, and we have maintained it to this day. Of course, the transfer of the lease has not occurred, and any new lease that might be sought will have to go through the appropriate processes. I will ensure that my department scrutinises that thoroughly.

TOURISM INITIATIVES

Ms CICCARELLO (Norwood): My question is directed to the Minister for Tourism. What recent initiatives has the government put in place to make use of South Australia's reputation as an art and cultural centre to attract tourists to the state?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): The member for Norwood represents a serious arts and cultural enclave in the metropolitan area. South Australia has already established an international representation for cultural events, performing arts and film production. The commission is now working with Arts SA to strengthen ties with the arts and film industries to promote our state as an arts/tourism destination. That is being done against a backdrop of international recognition for the Adelaide festival, the Fringe, Festival of Ideas, WomAdelaide and we believe increasingly in the future of the Adelaide International Film Festival. This is in addition to the state opera's successful staging of the *Ring Cycle* and Parsifal.

Recent initiatives to attract visitors have included material for tourists including our *Hip Guide to Adelaide*, which was a joint initiative between the South Australian Tourism Commission, ArtSA and Adelaide tourism marketing. This is a 40 page pocket sized booklet giving young people—particularly targeting the backpacker market—ideas on events, stores, restaurants, attractions and activities in Adelaide. In addition, we have worked with Arts SA to promote a map of South Australia—the *Movie Map*—which shows the locations of filming of movies and television series across South Australia, as well as ideas on how tourists might experience these same destinations.

The *Movie Map* is a joint initiative of the SA Tourism Commission and the SA Film Corporation, and features details about movies such as *Rabbit Proof Fence*, *Holy Smoke*, *Tracker*, and *Black and White*. The *Hip Guide* and *Movie Map* are available interstate and from information centres across our state, and demonstrate prime tourism locations.

In addition, the South Australian Tourism Commission is actively working in a more focused way to market interstate our arts activities to dovetail with tourism opportunities and to encourage people coming for conventions and sporting events to stay on and enjoy our arts and cultural activities, and stay longer holidaying in South Australia.

COFFIN BAY NATIONAL PARK PONIES

Mrs PENFOLD (Flinders): Can the Minister for Environment and Conservation advise the house what community consultation has been undertaken regarding his decision to remove the ponies from the Coffin Bay National Park? I have been advised that the minister has refused to work with the Coffin Bay Pony Preservation Society to develop a mutually agreeable solution regarding the future of the ponies within the park. I am also advised that the Barnjarla Aboriginal Community Council has not been consulted regarding his proposal to relocate the ponies to native title land.

The Hon. J.D. HILL (Minister for Environment and Conservation): The member for Flinders is quite wrong. I have not ruled out talking with the community about a mutually agreeable solution.

Members interjecting:

The Hon. J.D. HILL: All I said in that radio interview, to which the Leader of the Opposition may be referring, is that, if it was to talk about going back on a decision that had been made, there was not a lot of point, because that decision has been made.

Members interjecting:

The Hon. J.D. HILL: The other side probably had difficulty making decisions because of the nature of their party, but this side can make decisions and, when we make them, we stick to them.

In relation to the Coffin Bay Pony Preservation Society, I was asked on the radio whether I would meet with the delegation organised by the member for Flinders. I said I would be pleased to meet with them as long as we talked about how we would implement that policy. It was put to me whether I would be prepared to look at the ponies going to a piece of land other than the piece I had specified and I said that I would be happy to talk about that if they could come up with an alternative piece of land. I would also be happy to use the money that the department has nominally allocated to implement the transfer to the SA Water land for another piece of land.

That is still the offer and I would be happy to talk to that group of people if the honourable member wishes to bring them in to see me. However, if they want to go through the arguments again, I think that that would be a waste of time. Of course, that is your privilege if you wish to bring a group of your constituents to see me and to waste their time, mine and your own—let that be on your shoulders. I will happily work with you and the community to get a resolution based on the decision made by the government. There has been a massive amount of consultation about this matter over the years. It is a problem that had to be sorted out. The former government was not able to do it. I have done it and we have

given that community the opportunity to talk further about it.

Mrs PENFOLD: Given the Minister for Environment and Conservation's determination to remove the Coffin Bay ponies from the national park, can he advise the house what actions he has initiated to address the eradication of other introduced species such as foxes, cats and rabbits, and, of course, the plant species—Paterson's curse, Aleppo pines, horehound, onion weed, African daisy, saffron thistle and boxthorn—that are in the park?

The Hon. J.D. HILL: Unfortunately, the member for Flinders is advancing one of the more absurd arguments promoted about why the ponies ought to stay in that park, and that is that there are other feral species in the park, too. We would like to get rid of all them, as well. Unlike the case involving the ponies, however, we will go in and shoot the other feral animals. We will not shoot the ponies but transfer them to another piece of land with the cooperation of the preservation society.

National Parks has a program in place to eradicate, where possible, feral animals. It is a big problem in all our national parks because introduced species get into the parks. It is not the policy of any park to look after those animals, which is what the honourable member is suggesting in relation to Coffin Bay. In addition, if those ponies are left there, we would have to keep waterholes operational, which means we would have to shoot about 1 000 kangaroos a year. Surely that is not what the member for Flinders wants to see continue.

YUMBARRA CONSERVATION PARK

Mr HANNA (Mitchell): If the Minister for Environment and Conservation will not proclaim Yumbarra Conservation Park as a single use conservation park as a result of Labor's pre-election promise, will he consider doing so on the basis of Labor's opposition to the multi-use proclamation when Labor was in opposition? Prior to the last election, the Labor Party was opposed to the Liberals' proclamation of Yumbarra Conservation Park as a multi-use park, thus allowing mining exploration. The Labor Party promised 'to restore Yumbarra as a single proclaimed conservation park if the current exploration lease proved fruitless and expires'. That promise referred to the exploration lease held by Gawler Joint Venture Partners, which was relinquished earlier this year.

The Hon. J.D. HILL (Minister for Environment and Conservation): I can only repeat what I have said before. Our policy was based on two arms and, as the honourable member was a member of the Labor Party at the time, I thought he would be familiar with the policy.

Mr Hanna: It was a good policy.

The Hon. J.D. HILL: It was a good policy and it is the same policy that we are implementing now. The policy was reclamation of Yumbarra if two things occurred. The first of those was the fruitless exploration of the site. The lease was not fruitless. They have found mineralisation, so that first test failed. On the basis of that, our policy will not be implemented. If the lease had expired and they had not found anything, we would re proclaim it. That is not what we said. We said two tests had to be passed: if the lease failed and if there were no discoveries. They have discovered mineralisation.

GRIEVANCE DEBATE

GAWLER, VANDALISM

The Hon. M.R. BUCKBY (Light): I speak today about the vandalism that is occurring in Gawler, particularly in the main street of Gawler, and to businesses within the Gawler township. I was contacted before Christmas by a constituent who operates a business, that being Lifetime Impressions. He raised with me his disgust at the fact that he could no longer park his car behind his business without vandalism occurring. To quote him, his car was 'keyed' on a Saturday morning in broad daylight, and he is particularly unhappy with the government because no additional police resources are being put towards the control of vandalism, particularly within Gawler.

This has happened not only to his business, because I can attest that my own electorate office window has been scratched too many times for me to remember. Other businesses in the main street of Gawler have suffered similarly, with vandals walking up and down the street, particularly late at night, using sharp instruments to deface and scratch very expensive windows right up and down the main street. I explained to my constituent that, unfortunately, this government has removed the crime prevention program that would address crime at the base level. In addition, this government has not budgeted for one extra police officer in its four-year term of office. It will fund those who retire or leave, but there is no allocation for any additional police officers, and the minister himself admits that. There is no allocation for any additional police officers in the four-year term of this government. My constituent is particularly unhappy with that because he is having to face the additional cost of vandalism.

Just before Christmas last year, the member for Wright opened a car park for the Gawler council. However, people who park their cars in that multilevel car park are finding that their cars are subject to vandalism during the day. The council now has to consider placing cameras within that car park to try to identify those people who are committing these crimes. So, it is not just a one-off occurrence.

As I have said, the cutting by this government of the crime prevention program in local areas has bewildered local governments throughout my electorate, because international research would tell this government that those programs instituted at the grassroots level have the greatest effect. Yet this government has sought to cut this program completely to the stage where there are no programs operating. Local government in my electorate is not happy, and I am sure that this is duplicated in many other electorates. They cannot understand why a government would cut such a program.

As I have also said, this vandalism will not stop because more police are not being allocated. In relation to the Evanston Railway Station, which is also in my electorate, a very dedicated group of people consistently go out every day and paint over the graffiti. Transport SA has been extremely good in working with the local residents to install a camera on the railway station. Unfortunately, because of insufficient available lighting—particularly at night, obviously—that has not worked. I am about to approach the government as to whether a digital camera could be installed.

TICKET PRICING

The Hon. R.B. SUCH (Fisher): Today, I address the issue of admission charges to various facilities. I am not being critical of any of these facilities, but I want to point out the inconsistency in terms of the charges, particularly those levelled against family groups or, in some cases, the lack of a definition of a 'family group' and the variation at which someone is classified as a child or, looking at it in a different way, classified as an adult.

If one looks around Australia—it relates not only to South Australia—one sees that there is no consistency with regard to when someone is classified as an adult for paying admission and there is no consistency in regard to what constitutes a family. I think it is something on which this government could take leadership and which it could address. I will give some examples. Once again, I highlight that I am not being critical of any of these facilities.

TransAdelaide classifies a child as under the age of 15 years, and they allow free travel on a weekend on a day trip for two children with an adult, provided that they are under the age of 15 years. The Royal Show defines a child as over five and under 15 and, in terms of family passes, they define a family as two adults and two children. The Art Gallery normally has free admission but, if it has a special exhibition, there is a charge, and a child is defined as someone under the age of 16. So, there is a variation. According to the list supplied by the Art Gallery, there is no concession at all for a family. That is another variation. At the Adelaide Zoo, children are defined as being under the age of four, and they are admitted absolutely free, but under the age of 14 they charge a child's admission. So, again there is a variation at the zoo. It is a wonderful zoo and, again, I point out that I am not being critical.

You can go to all the institutions and facilities in Adelaide and elsewhere and you will see these sorts of inconsistencies. When visiting Monarto Zoo, a family is defined as two adults and three children—yet another variation. In regard to cinemas, the Greater Union cinema regards a child as someone under the age of 15 and there is no provision, as indicated by the cinema, for a family grouping; nor is it provided for by Wallis cinemas, either.

Magic Mountain's policy is that there is no difference in charge for an adult, a child and a concession holder after, I assume, 11 p.m. When you get to swimming centres, there is quite a feast of differences. The Burnside Swimming Centre defines children as being aged between four and 17 years, which is another difference. It defines a family as two adults and two children, which provides no consolation if you have a third child. Perhaps you leave that child at home or adopt it out; I am not sure what you do! I am being a little facetious, as members would appreciate. If one looks at five other Adelaide swimming centres, one sees that the age of a child—or when that child becomes an adult, looking at it from the other side—is defined differently by each of them. The Norwood swimming centre defines it as 18 years; Thebarton, 16 years; Adelaide, 14 years; Sherriffs Road, 17 years; and Salisbury, 15 years. A family is also defined differently: one says it is two adults and two children or one adult and three children; and two adults with a maximum of four children is the classification at another swimming pool. Another has two adults and two children or two adults and three children, and so it goes on.

Looking through the institutions in other states, you will see, for example, that at places such as Warner Brothers

Movie World children between four and 13 years have to pay, but children under four are free. There is no provision at all for family passes. The same thing applies at many other major interstate facilities. Likewise, this applies to Sea World and Wet and Wild, and the list goes on.

The point I am making is that this government could take a leadership role and try to get some consistency into this matter. We also notice that interstate student concessions from South Australia are not accepted unless the student holds a Railways of Australia pass. So, if they take a student concession travel pass from South Australia, it is not accepted in New South Wales. You can extend this argument in a whole lot of other areas as well.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. I draw your attention to the fact that there is not a minister in the house, and there has not been for the last grieves.

The SPEAKER: Whilst I note the accuracy of the honourable member's observation, I am not aware of any requirement in standing orders that there be a minister in the chamber. However, a convention honoured almost exclusively without breach that ministers be in the chamber at all times, I note, is in breach. The honourable member for Hartley.

INSURANCE, PUBLIC LIABILITY

Mr SCALZI (Hartley): Today, I wish to talk about public liability coverage for home stay students. A lot has been said about public liability and insurance and, indeed, private health insurance. I am sure that those members who are in private health funds would have noticed the recent increase in premiums.

In December 2002, my constituents Mr and Mrs Dennis Barnes contacted me regarding public liability coverage for families participating in the Homestay program. This program administers overseas students attending South Australian state schools and brings in significant valuable revenue to South Australia's education system and relies on such families to accommodate students at a reasonable cost. I commend all the families involved in those exchange programs.

Mr and Mrs Barnes have participated in this scheme for the past two years and were concerned that, despite repeated attempts to obtain clarification on the issue of public liability coverage, they had received no assurance from DETE. They were also concerned that DETE did not routinely inform participating families of potential exposure to risk.

Following on from my representation to the Minister for Education and Children's Services (Hon. Trish White), the government sought legal advice and has advised by letter dated 14 March that the department will now implement a public liability insurance policy to the value of \$10 million to all participating households in any overseas students program anywhere in South Australia. I welcome this outcome and congratulate Mr and Mrs Barnes for their part in achieving this very pleasing result. They brought this problem to my attention, and I commend the government for addressing this issue, taking its legal advice and achieving a result such as this. Mr and Mrs Barnes and all the other families that contribute to this valuable program should be commended. I would also like to bring to the attention of the house, as I said earlier, that there has been much said about the increase in premiums by private health insurers.

The SPEAKER: Order! I invite the honourable member for Goyder—without injuring himself—to resume his seat,

where it may be less risky to his physical health whilst he engages in his conversation, because at present he is in direct line between the speaker on his feet and me. The member for Hartley.

Mr SCALZI: As I said, members in private health funds would be aware that there has been an increase and that the top rate, for example, has increased by around \$35 a month. This would bring premiums to about \$280-plus per month. Members can imagine that people who are contributing to private health funds for, say, 30 years—and the federal government encourages people to join and subsidises their joining private health funds to the tune of 30 per cent rebate—when they reach the age of 60 or 65, when their disposable income has come down to where they might be earning only from their savings or as pensioners \$14 000 or \$15 000 a year, are required by the private health funds, if they are to maintain their health cover, to contribute about \$280 a month. Where is a pensioner going to get that sort of premium? How can they fund it when their disposable income has gone down?

I believe that governments of all persuasions, if we are really going to deal with an ageing population and want to deal with health problems, to address waiting lists etc, should ensure that, when people who contribute for 20 or 30 years get to the age where they need those funds to help them with their health needs, they are covered. Perhaps there should be some sort of superannuation scheme where a certain amount of money is put aside so that they ensure that they are going to be covered in their old age, not only when it is profitable for the private health funds.

READERS DIGEST

Mr RAU (Enfield): I rise today in relation to two separate matters. The first is a matter that has been brought to my attention by a constituent. It is a matter that appears to have gone as far as it can go through the regular channels, so I undertook to raise the matter before the parliament so that perhaps the relevant minister or ministers will feel moved to do something about it. My constituent, a Miss Nagasinghe, has been involved in a long-running dispute with the *Readers Digest*. I would like to share with members some of the ridiculous material that the *Readers Digest* has sent out to her and, presumably, thousands of other unsuspecting South Australians.

This rather official-looking letter has typed in it 'Payment prize request'. Then it says that it is on hold: there is a big stamp across the corner of it and it says 'Yes. . .', and it has my constituent's name, '. . . has been contacted at her address and this is an official notice.' It goes on to say:

This notice is to inform you that lucky number—
whatever—

could match the winning number selected by our sweepstake auditor for \$125 000. You must act now without delay: our deadline policies require that you respond after receiving this notice of payment—

So she can get the \$125 000. By this stage my constituent, who is a person on a pension, is rather excited: her life is about to change. She dutifully fills in all the guff she has been provided with by the *Readers Digest*, hoping to get her lucky number and, of course, the \$125 000. The letter continues:

I will verify your eligibility for this prize draw and, if you are the holder of the winning number and return it, I will establish that you currently reside at—

her address—

and you will have a cheque made out for \$125 000 in your name to be sent by special courier at once, if you require.

Goodness me, she is really excited. Not content with that, they follow up:

Yes, we confirm: Urgent notice. We are now holding that \$125 000.

This story does not have a happy ending. It turns out that thousands of other Australians received similar exciting pieces of mail from the *Readers Digest*, got their hopes up, responded and, in the end, nothing happened. My constituent, who took all this to mean that she was in for a rather substantial treat, namely \$125 000, has taken up the matter with the authorities. The former minister (the member for Mawson), in his capacity, dealt with the matter as best he could—and I do not have any criticism of him, so he does not have to feel alert. The current and former Treasurers have looked into it and, because of the fine print and so on, nothing much can apparently be done about the *Readers Digest*.

Ms Chapman: Did anyone win it?

Mr RAU: I am asked whether there was a winner. *Readers Digest* asserts that a lady in Victoria won it, but who knows? I never win these things and I have never met anyone who does. In any event, time is very much ripe for this government to look into this issue and to stamp out these ridiculous campaigns by the *Readers Digest* and other foolish marketing programs where people are given to believe that they are going to receive something when they are not, and it is never going to happen. It just gets the hopes of people up and it is very unkind and unfair.

The last thing I wanted to note in the little time remaining to me is that on Saturday morning or Friday night some imbecile attacked the RSL at Enfield. Outside the RSL there is a statue of a digger, a copy of one which came from Bowen in Queensland and which was made at considerable expense to the RSL in Enfield. Some lunatic came in the early hours of the morning, knocked the arms off it and ruined the thing. You have to wonder about the mentality of someone who would do that. I put them down there with the sort of people who go around knocking things in cemeteries: absolute loser. I do not like using that term: I withdraw that term—a hopeless case, anyway. This is either some idiot who has gone out there just to break something, in which case they deserve to be dealt with, or it is somebody making a foolish attempt to protest. Either way, it is unacceptable.

POLICE, GOLDEN GROVE

Mr BROKENSHIRE (Mawson): I rise to express my concern at the lack of expediency that the government has shown when it comes to the development of a police station at Golden Grove. As members of the house would be aware, when we were in office the member for Wright was extremely vocal, both in this chamber and in her local press, when it came to the fact that she believed there was an urgent need for a police station at Golden Grove. Our policy at the last election, clearly defined for the community in the Golden Grove area, was that we would commit funds to a shopfront police station in the Golden Grove area. That was a clear policy direction.

We went out there in the election period, into the area adjacent to and through all the areas around Golden Grove, and explained to the people that that was what a Liberal government would do had we been re-elected. Since the Labor Party has come to office there has been absolute silence on the part of the member for Wright in her commun-

ity, when it comes to calls in this chamber for a police station at Golden Grove. If a member is absolutely committed to their electorate, I would think they would be making probably more noise in government, because in theory you should have a stronger voice.

We hear a lot about the Labor government's commitment to the northern suburbs, but we see very little when it comes to delivering real outcomes. When it comes to police capital works, the only capital works program that this Labor government has for its four years of office between 2002 and 2006 is Mount Barker, and even that is being dragged out over years—and I will be surprised but pleased if that facility is opened before the next election. Apart from that, there are no other plans for capital works at all. That is in stark contrast to what we did when we were in office. We opened a brand new state-of-the-art police station at Mount Gambier, a state-of-the-art police station and special task and rescue response training facility at Netley and the Sussex Street Police Station at Glenelg. We spent tens of millions of dollars on the new police station headquarters in Wakefield Street and also the work that we did on police stations in Grenfell Street and Hindley Street—and the list goes on—during our period in government.

We hear much about law and order from the government but we see virtually nothing when it comes to delivery. At this stage, we are not seeing a police station at Golden Grove. I call on the community in the Golden Grove area to urge their member to get this government off its backside and to start to deliver. We know it has an enormous surplus. We know that the money is there and that it does not have the State Bank mess which we had to address when we came to office. It is all a matter of priorities. As the Minister for Police said in the chamber today, I was on a local radio station in respect of the police station at Golden Grove. I was asked to go on that program because I understand that it had requested the member for Wright for over one week to explain to the community the situation regarding the lack of a police station facility at Golden Grove.'

My understanding—and the member for Wright can correct me if I am wrong—is that she was a little reluctant to go on radio. I would say that the reason for that would probably be that this government is not listening to her calls. On behalf of the community in the north, I call on the member for Wright to ask questions without notice in this house of the Minister for Police about the progress concerning this police station. In the meantime, the opposition, which respects the needs of the people in the northern suburbs and which has great members such as the member for Newland to fight for them, will do what it can to get this government to see where its priority should be—that is, police.

If you do not have the facilities, the resources and the budgets for police, then you are putting enormous pressure on the greatest police department that we have in Australia, namely, the South Australian police department. It is time that this government got serious and stopped the rhetoric and started to support the South Australian police. A fine example of that would be to have a police station at Golden Grove.

BALI BOMBINGS

Ms THOMPSON (Reynell): Today I would like to go back a little in time and reflect on the killings and the atrocities in Bali. I would like to do this in order to thank the *Australian* newspaper for the excellent work that it has done in ensuring that each one of the ordinary Australians who was

killed in Bali has been recognised through the columns of the *Australian*. The *Australian* generally does a pretty excellent job on obituaries, and I find reading about the deaths of various Australians quite insightful in terms of telling us about the wonderful richness that makes up this nation of ours. Usually people have an obituary in the *Australian* because they have done something a little out of the usual: they have been a pioneer in their field in some way or they have been a significant figure in their local community.

However, in the case of Bali, the *Australian* paid the same mark of respect to every single person who was killed. It was not always easy, I am sure, for the reporters to talk with family members and friends who were still struck with the tragedy, but they managed to present for us a picture of ordinary Australians going overseas, having fun, in some cases having the trip of a lifetime and, in other cases, returning for the seventh time to somewhere that they had really enjoyed. I would like to spend a couple of minutes reading about some of the ordinary lives that were cut short in the horror of the terrorism of Bali and reflect on how that relates to people who are ordinary in their communities and who are killed in whatever wars, terrorism or atrocities go on in the world at any time.

Of course, in South Australia we lost Angela Golotta, Josh Deegan and Bob Marshall. We are pretty familiar with their stories. We saw them presented to us through the local media again and again. Here is a little about some of the other Australians who were killed. Paul Cronin, aged 31, was a council worker, and the article states:

Paul Cronin was a joker—a man who tried to put a smile on the face of everyone he met. A country bloke who would move his garden gnome to a different spot in his front yard every day, as a challenge for his siblings or girlfriend to spot.

A laid-back rugby player who was always quick with a joke. 'Crowie' left behind a loving family, a devoted girlfriend of 10 years and a town in mourning when he failed to return from an end-of-season football trip to Bali.

His sister remembers and said:

We played this game in our dam where we used to see how many leeches we could get on ourselves. You'd sit still in the water, and throw them up on the bank while everyone kept count.

Just a little picture of an ordinary Australian childhood.

Greg Sanderson, aged 26, was a farmer and, in part, the article states:

His parents will always remember their lost son as the gentlest of giants whose smile was seemingly permanent. The type of bloke who, the week before he left for Bali, rushed home to cook a special meal for their wedding anniversary after a busy day in the field.

They also mentioned that in London last year Greg attended two Ashes Tests and the tennis at Wimbledon, taking unpaid leave from his job to queue for tickets—quite a typical Australian activity really.

Michelle Dunlop, aged 30, was an investment banker. Her friends say that 'none of us can imagine what it is going to be like without them'. Michelle was killed with another friend. Her friend Selena Gregory said, 'It's funny, Michelle would have known what to do now.'

Sue Ogier, aged 35, was an administrative officer from Frankston. The article states:

Sue Ogier was not short of people who loved her. At her funeral service in Melbourne on Thursday, no fewer than 15 people spoke in honour of her and the effect she had on them as a wife, a friend, a sister, a daughter and a work mate.

Then there is the story of Gerardine Buchan and Steve Buchan. The article states:

Gerardine Brougham was 14 when she met the love of her life, Steve Buchan. 'He was her first love and only love. She married him and she died with him,' said her sister Angela Robinson.

The columns of the *Australian* have enabled us to have special insights into the lives of many Australians—the people whom we see in the bus, the tram or standing next to us in the queue at the supermarket and whom we do not know until something awful happens to them but who are wonderful Australians.

Time expired.

SELECT COMMITTEE ON GENETICALLY MODIFIED ORGANISMS

The Hon. R.J. McEWEN (Minister for Trade and Regional Development): I move:

That the time for bringing up the committee's report be extended until Monday 2 June.

Motion carried.

SELECT COMMITTEE ON THE CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.J. McEWEN (Minister for Trade and Regional Development): I move:

That the time for bringing up the committee's report be extended until Monday 28 April.

Motion carried.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

- No.1. Page 3, line 2 (clause 1)—Leave out '(Referendum)'.
- No.2. Page 3, lines 6 and 7 (clause 2)—Leave out this clause.
- No.3. Page 4, lines 1 to 37 (clause 4)—Leave out this clause and insert new clause as follows:

Insertion of s.15

4. The following section is inserted after section 14 of the principal Act:

Expiry of Act

15. This act expires on 19 July 2003.

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

Today we consider four amendments made in the other place to the Nuclear Waste Storage Facility (Prohibition) (Referendum) Amendment Bill 2002. The government moved two of the amendments that split the original bill into two parts. This allowed consideration of prohibiting the establishment of a lower level national waste facility separately from a referendum on a higher level dump. A third amendment was moved by the Hon. Julian Stefani to allow the bill to be assented to immediately rather than by proclamation, and the government supports this amendment.

The fourth amendment, moved by the Hon. Nick Xenophon, proposed a four month sunset clause to enable further work to be undertaken on the possibility of strengthening the original act. The government also supported that amendment

and indeed still does so. Before we vote on these amendments I would like to take the opportunity to clarify and correct some matters raised in debate in the other place.

First, I would like to discuss the possibility of a High Court challenge once the bill comes into effect. The Crown Solicitor's office advises that costs involving a challenge should be considerably less than \$100 000, not the \$2 million as was raised in debate repeatedly in the other place.

Such activity would be undertaken as one aspect of a coordinated strategy aimed at preventing the commonwealth's establishing a nuclear waste storage facility in our state. It would not be undertaken whimsically, without due consideration of all the possible outcomes, and it would not be undertaken without a thorough assessment of any benefit that would be derived by the South Australian public. I must say that this is consistent with the position taken by the member for Davenport when he was the Minister for Environment when he moved the original bill in May 2000. At that time, I asked the then minister:

Have you taken advice on what process you might be able to go through and what arguments you might be able to put, and have you made a decision as a cabinet about how far you might be able to push the commonwealth through the courts system in relation to protecting this law?

I was referring then to the original bill. The Hon. I.F. Evans replied:

No, cabinet has not made a decision about how far we might be prepared to push a federal government through the court system in the future. We see that as a decision to be made in the future based on the evidence before cabinet at that time, if a decision is ever made.

Certainly, we would support that assessment, and that is consistent with our position. We would certainly not resile from the fact that we might have to go down that track. I would also like to clarify a point about exactly what legislation is being examined. The matter under debate today is a bill amending the Nuclear Waste Storage Facility (Prohibition) Act 2000, which was introduced by the former Liberal government. In the next few weeks we will be working with the Crown Solicitor, the Independents and the Democrats to explore avenues to amend the original act, not the amendment bill.

Finally, I would like to correct information about radioactive waste currently located in South Australia. In debate in the other place it was stated that there is something of the order of 130 to 150 waste sites throughout metropolitan Adelaide, with an additional 50 sites possibly to be created in the next five years. It was further stated by the Hon. Mr Angus Redford that there are potentially 250 sites in the state. Those figures are not correct. Current estimates determined before the completion of the EPA audit indicated that there are 185 sealed radioactive sources which would be considered lower level waste. These sources range over 50 sites, not the estimated 250 as stated. It is possible that up to 50 extra sources will be created over the next five years, and that does not equate to 50 extra sites.

Although the current debate is about the establishment of a national repository, not the storage of South Australian radioactive waste, it is my duty to ensure that the South Australian public receives the best possible knowledge, so today I supply the correct information for the record. I commend the four amendments to this committee.

The Hon. I.F. EVANS: The minister has outlined the purpose of the four amendments made in the other place. I will take the opportunity to make a few comments in relation

to the amendments. I notice that, in his prepared answer, the minister said that he thought it was important that the South Australian public get the accurate information. I noted that he has not gone through the contribution made by the minister in another place and corrected the gross inaccuracies told to the other place by that minister, but perhaps he will do that in the public's interest at another time because, in due course, it would be of benefit to the public to have all those errors corrected.

The purpose of the amendments are, basically, to take out a referendum from the debate on this bill. The title of the bill included the word 'referendum'. The government has done so many backflips now that it is at a point where 'referendum' has been taken right out of the title and left for debate for another day.

The Hon. Mr Xenophon's amendment introduces a four month sunset clause to this bill. The reason for a four month sunset clause, as I understand it, is that the Hon. Mr Xenophon and others have taken private advice which indicates that the bill can be improved. The opposition in the other place asked questions about how the bill could be improved and it was informed that 'it could be strengthened'. We are not quite sure what that means. We have no detail before us.

We were the only party, to my knowledge, to be denied access to the advice that had been given. When the opposition went to vote on this matter in the other place, it was voting devoid of the information and the advice that had been given, certainly to the Hon. Mr Xenophon and others in the chamber, in relation to this issue. Not only was the opposition forced to vote in an uninformed way in relation to the legal advice but also the minister in the other place, regardless of the prepared answers, admitted that the government was uninformed about the quantity of the waste, the type of waste, where it was stored and, indeed, how it was going to be stored.

The upper house and, indeed, this chamber today will be voting on this matter in an uninformed way in two respects: first, in relation to the legal advice that has been taken, as I understand it, from a constitutional lawyer in private practice in relation to how the original act (and therefore this bill) can be strengthened in the future; and, secondly, we vote devoid of any evidence or information about how this government intends to store the waste, or, indeed, where it is, in what quantities and how we are going to store it.

I was interested in the minister's quotations about the amount of waste, and he corrected the Hon. Mr Redford's contribution in the other place. However, the minister did not quote the other information that has been provided in that minute to the minister. The other information that was made public was the information given to the previous government by the Radiation Section of the Environmental Health Branch of the Department of Human Services. To assist the committee, I clarify that that branch has been transferred to this minister's Environmental Protection Authority, and it is that section of the Environment Protection Authority—that group—which is doing the audit of where the waste is and how much there is; and it is that group of people who will make a recommendation to this minister about where the radioactive waste should be stored. It is this group, the radiation group, which used to be known as the Radiation Section of the Department of Human Services. They have already made a recommendation, and the recommendation is this:

From a radiation safety viewpoint the establishment of a national low level waste repository is highly recommended, given the number of sources and owners.

The minute goes on and refers to the '50 currently registered sealed radioactive sources suitable for disposal and repository that may emerge in the next five years'. That is the very quotation used by the minister not five minutes ago in his contribution. So, we know what the state bureaucrats think. We know what the bureaucrats now advising the minister on the very question that we have been asking for 12 months think. They think that a national low level repository is needed. In fact, they go to the point of highly recommending it.

Mr Koutsantonis: The question is: why do you want it in Woomera?

The Hon. I.F. EVANS: The member for West Torrens asks why is it wanted in Woomera.

Mr Koutsantonis: No; why do you want it in Woomera?

The Hon. I.F. EVANS: I want it in Australia's safest place—simple as that. The federal bureaucrats tell us, the federal scientists tell us—

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No, they have not changed their mind. The member for West Torrens should stop reading the *Australian* as if it is the advice from the federal bureaucrats. If you read the *Advertiser*, when the matter of Broken Hill was raised, the next day in the letters to the Editor there was a correction from the person who was being quoted. So, the federal scientists tell us after an eight year search that Australia's safest place is Woomera. I think Simon Crean had it right.

Simon Crean, when he was the federal minister for energy in 1992, did the right thing by Australia in committing the then federal Labor government to finding one area in Australia that was Australia's safest place for the storage of radioactive waste. He did that. He put out the discussion paper as the federal minister for energy and primary industries. Crean did that right. In fact, Simon Crean only two weeks ago did me the pleasure of visiting my electorate of Davenport and confirmed to me, and indeed all of South Australia, that the federal Labor Party still has a policy of having one central repository for low level waste.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: That's all right; Simon Crean can play dumb politics, because people have seen through it. Simon Crean has been exposed, because all the journalists are asking: 'Well, Mr Crean, if the scientists are saying that it is the safest place in Australia and you still believe in having a central repository, are you really saying to the voters of Australia that you want the radioactive waste stored anywhere but the safest place?' Of course, then he came up with the great strategy of saying, 'Well, what I am saying is that we should have more consultation,' and the journalist said, 'What, you don't think eight years consultation is enough?' 'Oh, we should go back,' says Mr Crean, 'to the point where we had eight sites and start consultation all over again.'

I can provide the member with the transcript if he so wants it, but that is paraphrasing Mr Crean's position. So, after starting the process in 1992, still believing in a central repository, Mr Crean as the alternative prime minister is saying, 'Let's go back to where we had eight sites.' It just so happens that Mr Crean must have forgotten that, out of those eight sites, five of them were either totally or partially in South Australia. So what he was really saying then, if you believe the transcript and you believe the rhetoric, is that we

are not going to have it in South Australia—because he was doing the interview in South Australia, of course—and what we will do is reopen the other three sites, and they are going to consult just on those other three sites, because by definition of his own admission he did not want it in South Australia, and five out of eight are partially or totally in South Australia.

That left him three sites. I will bet you that he has not gone to Bob Carr, Peter Beattie and Claire Martin and said, ‘Guess what, here it comes.’ I will bet you he is not taking that motion to the next national conference of the ALP to adopt as policy. So the journalists have seen through the rhetoric. The media have seen through the rhetoric. It is unfortunate that the member for West Torrens has not. The Labor federal policy has been exposed in relation to this issue.

If the house adopts this particular recommendation then we do not debate the referendum today, and there is an interesting little issue to follow, for anyone who wants to follow gymnastics in politics and backflips. The minister when he was the shadow came in and introduced a bill about radioactive storage: no referendum needed at that point. The then government came in and introduced a bill that actually tidied up some of the shadow minister’s errors in relation to definitions of radioactive waste, and there was no referendum in our bill, because we do not believe in the need for a referendum. So, then the shadow minister, looking for another little tool to go out and say something publicly, said, ‘I know, we will have a referendum.’

So, he brings in an amendment to have a referendum and it was defeated during that debate. As minister he brings back the referendum clause, and criticises the upper house for delaying the legislation, even though he knows, and I know, that there was a gentleman’s agreement that we would not debate the legislation until Mr Xenophon’s health was good enough for him to be back in the chamber to debate it. Yet, publicly the minister continually goes out and says that it is disappointing that this bill has been delayed since July last year. We know in this chamber that there was a private agreement through all parties that it would not be debated because of Mr Xenophon’s unfortunate illness. The minister needs to be careful about how that delay is portrayed publicly in the media.

Then it comes back into the upper house, and, so desperate is the government to get through the legislation, guess what, we are now not to have a referendum. That is going to sit up in the other chamber until the government can come up with another position in relation to the referendum. We have delayed the debate on the referendum matter, and I understand that it will not be debated until about June or so. So, anyone following the genuineness of the minister in relation to the need for a referendum will follow that history with some interest.

So, why are we having a four month delay? If you follow the amendment, the Hon. Nick Xenophon, in another place, has moved for a sunset clause until 19 July, if my memory serves me right. Why are we having a sunset clause that this bill comes back on 19 July for a further amendment? We are doing that because the government by its own admission thinks the bill can be improved and, by definition, that means the bill is flawed. That means the bill was not in as good a form as it could have been when the government brought it to the chamber.

What improvements it can make, I cannot advise the house, because I have been denied access to the private advice. Indeed, the opposition in both chambers has been denied access to the private advice. So, whether it is just a

dressing up, whether there is some legal basis to it, I have no idea. I cannot advise the house. Maybe the minister could read out the legal advice to us and advise us why they are so convinced this legal advice has legs. Certainly the opposition has not seen it; we are denied that during the debate.

If you believe the rhetoric from the other place, the debate in the other place, then apparently the bill can be improved. I am not sure what that means other than that they think they can strengthen the bill in relation to mounting a High Court challenge. I think the Hon. Terry Cameron in another place will find the minister’s comments today about a High Court challenge interesting.

I was in the gallery last week while the debate was on, and a fascinating day it was, and there is absolutely no doubt that the minister, I think it was Terry Roberts, in another place, gave a commitment to the Hon. Terry Cameron that they would mount a High Court challenge if Mr Cameron voted for them. That is clear in the *Hansard*.

It was not the same answer that I gave as minister, that the minister read out. It was not saying that cabinet had yet to reach a conclusion and we would consider that on the weight of the evidence. That, I do not think, was the answer given to the Hon. Terry Cameron. In fairness to Mr Roberts, if you read the *Hansard*, he was not aware that he was the minister handling the bill until halfway through the debate when the Opposition pointed out that he was the minister handling the bill, and then he agreed that he was the minister handling the bill. That is the reading of the *Hansard*, for those who have followed the debate. But Mr Roberts gave a clear undertaking to Mr Cameron that, if he voted for the bill, there would be a High Court challenge. So, the minister’s response that there may not be a High Court challenge is interesting, because I think that Mr Roberts has made a very firm commitment on behalf of the government in that respect.

The other aspect about the four month delay is that it was agreed upon by the government so that it could get its bill through. However, there was really no urgency to get the bill through because Peter McGauran, the federal minister, had given an undertaking, in writing—it was made public—that the federal government has no intention to bring any low level waste into South Australia until the approvals have gone through and the licensing for the facility has gone through all its proper processes.

An honourable member interjecting:

The Hon. I.F. EVANS: I will read the letter for the benefit of the member for West Torrens, as follows:

Mr McGauran believes that—

Mr Koutsantonis: What has he said publicly about South Australia and radioactive waste? What has he said? We’ve done our fair share.

The Hon. I.F. EVANS: And we are lobbying on that exact point. We are continuing to lobby the federal government in relation to the medium level facility.

Mr Koutsantonis interjecting:

The ACTING SPEAKER (Mr Snelling): Order! The member for West Torrens will come to order.

The Hon. I.F. EVANS: The member for West Torrens is not quite following the debate.

An honourable member interjecting:

The ACTING SPEAKER: Order!

The Hon. I.F. EVANS: The letter Mr McGauran wrote says this:

Further to your conversation with my office earlier today, I write to confirm that the commonwealth government will not be undertak-

ing the transport of radioactive waste to South Australia or anywhere else for disposal in a repository until the Australian Radiation Protection and the Nuclear Safety Agency (ARPANSA) issues licences to site, construct and operate the repository. An application for these licences has not yet been made. An application will be made as soon as practicable after the Minister for Environment and Heritage (Hon. David Kemp) has made a decision on the environmental assessment, expected to be towards the end of March this year. The licence would take ARPANSA some months to assess, with an expectation that a decision would be likely towards the end of 2003. Current estimates, subject to the satisfactory completion of the environment assessment and licensing processes, are that the repository may be ready to commence operation to dispose of waste in the first half of 2004.

So, the federal minister (Mr McGauran) is saying that no low level waste will come South Australia's way until about mid 2004. The minister could therefore have easily said, 'We are not going to put this legislation through. If you think some improvements could be made, bring it back on 19 July.' But, no, to get the media announcement they are trying to say, 'This bill is flawed but we will put it through, anyway. We know it is flawed because we are taking private legal advice to bring in some changes. So we know the bill is not in the form the minister is happy with; otherwise he would not have agreed to the legislation. We don't know where the waste is stored. We don't know how much it is, what type it is, where it is or how we are going to store it, and we know that no waste is coming into South Australia.' We know that nothing is changing between now and 19 July—not a scrap. However, despite all that, they are taking the approach, 'We have to rush the bill through.' But for what purpose? If we had not put this bill through (and I have no doubt the minister has the numbers to get this bill through this chamber), we could have voted on 19 July—or whatever date in July—knowing that the EPA audit would be complete. The EPA audit would tell us how much waste we have, what type we have, where it will be and, importantly, where the government intends to store it. However, the government, for its own political purposes, for manipulation of the media, to try to get out a positive announcement about it, has decided to deny this house and the other chamber that information.

We know the people doing the audit highly recommend the establishment of a national low level radioactive waste repository. I wonder whether, given that it has made that recommendation—that it highly recommends a national low level repository—the same group will then come in and change its recommendation in June when it presents its audit. Will the fearlessly independent EPA suddenly change its recommendation? I hope that the EPA's order is not delayed. I hope we suddenly do not find that, for some mysterious reason, the EPA audit does not come out in June and importantly does not recommend where the waste is to be stored. That is certainly the commitment that has been given—that the EPA audit will be finished in June.

The Hon. J.D. Hill: You'd make a very good police sergeant; you're good at verballing.

The Hon. I.F. EVANS: That is not a career I would actively pursue. I am not of the right personality.

An honourable member: Do you think you'd make that rank?

The Hon. I.F. EVANS: I probably wouldn't make that rank—flat fleet. I would be Officer Dibble. I hope that the EPA audit continues on its normal process and is delivered as committed, because it would be viewed with a high degree of suspicion if for some reason that was delayed or if it did not contain information that was available or was promised. I can tell the parliament what we know: we know

that the federal scientists tell us that Woomera is Australia's safest place.

Mr Koutsantonis: Not McGauran, though.

The Hon. I.F. EVANS: No, McGauran does say—

Mr Koutsantonis: He's changed his mind.

The Hon. I.F. EVANS: No, you misunderstand. Maybe I will explain it in English. I think the honourable member is getting confused. There are three sites at Woomera, and I think Mr McGauran—

Mr Koutsantonis: He's confused, is he?

The Hon. I.F. EVANS: No, I'm saying you're confused. Mr McGauran is talking about those three sites—not a site necessarily in another state. You might need to go back and read the press comments to get that clarified. The eight year search was started by the federal Labor Party. Congratulations to it for starting the search. Well done to the federal Labor Party on supporting unanimously a Public Works Committee recommendation for a low level repository. Well done the federal Labor Party on supporting a recommendation on a select committee that supported a national repository. Well done Simon Crean for saying that we need a low level repository. Even Simon Crean last week—and here is one for the books—confirmed to us all that, when he was the minister (and I can just hear him saying this), said, 'When I was the minister, I got the agreement of every state government for a low level repository.' That is interesting, because the state government at that stage was a Labor government and, if you go back and look at the *Hansard* during question time and see the contributions of the minister and the leader in particular, you see that they would try to have you believe that the then Labor government did not support it. However, the federal leader when he visits my electorate—and good on him for doing it—happens to say that, when he was the minister, every state government agreed. Either every state government agreed or they do not agree. However, all the documentary evidence is that every state government agreed.

We know that the state bureaucracy, driven by the then Labor government, continued on the same policy that the now Liberal government has delivered—that Woomera is the safest place for a low level repository. We know that the same bureaucracy—the same state bureaucrats who are now going to advise this government in relation to the audit—advised the previous government that they highly recommend a central low level national repository. They are the same people who will make the recommendation to this minister. Of course, what we do not know, as I have said previously, is what the legal advice was, what improvements could be made to the bill and what are the chances of the promised and committed High Court challenge actually delivering a result.

So, the opposition will continue its consistent stance in this debate, and our argument has been consistent in relation to this issue, that is, based on the federal scientists' advice that Woomera is the safest spot, based on advice to us in government from the radiation unit of the Department of Human Services that they highly recommended a central national low level repository, we do support development of that facility, because we see no reason for it to remain in the towns and suburbs throughout South Australia. I note that the Hon. Sandra Kanck, now leader of the Democrats, mentioned that it should be left as close to the source of production as possible.

I will speak as the member for Davenport for 30 seconds. If the people of Bedford Park have a choice of storing as close as possible to the source of production in Bedford Park—and I do not know but I assume it is the university or

hospital; I am not sure—or putting it at Woomera, my electorate tell me to put it at Woomera. The Democrats can run around and doorknock Bedford Park and explain to them why they want to leave radioactive waste in Bedford Park if they wish; that might assist. Certainly, the people there believe it should be stored safely. The minister is on record as saying that it might already be stored safely. I wish we knew. I wish we had the opportunity not to have this debate until we know the facts.

However, after over a year in government, the parliament does not know. Therefore, the opposition is left with no real choice other than to follow the best advice available to us, and the best documented advice comes from the federal scientists and the state bureaucracy. That advice is that a national repository is highly recommended, and the safest place for it happens to be Woomera. The government can criticise us for accepting that advice: that is its choice.

It is disappointing that the government has chosen to manage this bill the way it has. We have been given absolutely no reason why the bill needed to be put through as it was last week. Last week, the upper house was forced back for one day of sitting to put through a bill that the Hon. Terry Roberts admitted in the first five minutes had no legal effect. The upper house sat for the whole day to pass a bill that had no legal effect, and it could not have passed the parliament anyway until we had this debate. The upper house could have had its debate today and we could have had this debate tomorrow, and it would have saved the cost to the taxpayer of an extra day's sitting. Why did the Legislative Council have to come back for an extra day's sitting when the bill was not going to get through both chambers in the one day? It seemed a nonsense in that respect.

The debate could have been had this week, particularly as minister McGauran's letter that low level waste would not be coming into South Australia was already public. Having the debate last week was a nonsense. Apart from not realising that he was the minister handling the bill, the first thing the Hon. Terry Roberts did was to say that the bill has no legal effect. When answering the questions, he said that the government is uninformed, it does not know, but just because the government does not know, that does not mean that the parliament cannot vote. Goodness me! Why would we want to know until the government is informed? Just because the government is not informed, that does not mean parliament cannot vote on the bill! That was the logic of the argument.

We had the debate on the day and the bill is still not passed, so we have to debate it this week. The way the government has managed the bill, it is a victory at any price for the media announcement. It has not been well managed, it has not been well thought through and a lot of goodwill has been burnt in the process. The opposition will be consistent in relation to this issue and follow the departmental and scientific advice available to us and vote as we have upon previous occasions. The opposition does not have an issue with the Hon. Julian Stefani's amendment. In voting against his proposal, we do not have an issue with it as outlined by the minister.

You should have been there, Mr Acting Chairman, because you missed a funny day upstairs last week. The Hon. Julian Stefani moved an amendment to the effect that, if the commonwealth repository is put here, the government cannot use it. There was a division and the government voted against it, keeping the option open that it can use it. Then the opposition moved an amendment providing that the government must use the commonwealth repository if it is built here,

and the government voted against that, too. It is on record as saying that it is against the concept of not using it and it is against the concept of must using it, and the only reason the government is in that position is that it has chosen to bring to this parliament a debate that is uninformed, and it has denied information of the EPA audit.

There is no reason that we are being denied information from the EPA audit other than that the minister wants to get out a press announcement about the bill being passed prior to the EPA audit coming out. I have a sneaking suspicion that, over the next three years, what will be brought to the attention of the house is that this government, which opposed the repository—if it is to be believed—will use it. I am suspicious that the minister will make a ministerial statement in the dead of night, or, perhaps like the WorkCover announcement, sneak it in at 3.30 Friday afternoon when the media are not around, and announce that the government will use the repository it supposedly opposes.

I suspect that is where this debate is heading. It is unfortunate that that is the way the minister wishes to handle this issue and this bill. That is the government's choice. However, I emphasise to the committee that opposition members will be consistent on the issue, as we have been for the last two or three years.

The Hon. J.D. HILL: I am interested in the comments made by the member for Davenport, and I must say about the honourable member that he has been entirely consistent in his position in relation to this matter. He and his party want the nation's radioactive waste stored in South Australia. They want all the waste from New South Wales, Victoria, Queensland, Western Australia, Tasmania, the territories and South Australia stored in South Australia, and he has done a very good job over the last nine months or so promoting that position in public. I do not know how many of his backbenchers appreciate that he has now made everyone in South Australia aware of the opposition's position on this, but he has done a very good job promoting the fact that the Liberal Party wants radioactive waste stored in South Australia.

Dr McFetridge interjecting:

The Hon. J.D. HILL: In response to the member for Morphet, the trouble is that the government has a different view. We do not want the nation's waste stored in South Australia. We are happy to look after our own but we do not want the rest of Australia's waste stored in this state. That is the difference between the two parties.

In his contribution, rambling as it was, the member for Davenport talked about the way the government has managed the bill. Let me compare the way we have managed the bill with the way he has managed two things, both the original legislation, which he moved when he was minister for the environment in 2000, and the way he has handled the opposition's strategy over the last few months. First let me talk about the way he managed the original bill.

Members may recall that the former government decided to bring a bill into this place following a move by the opposition to introduce a bill to ban medium and high level waste being stored in this state. The government at the time resisted that and said it was unnecessary, it would not work, and all the rest of it, but, because of political heat, particularly run through the *Advertiser*, which campaigned against that proposition, eventually the government bowed to the will of the people and introduced a bill to ban medium and high level waste in this state. Its excuse for doing so is that I had mucked up the opposition bill and it was fixing up errors that I had made. It may well be that, without the resources of

government and the department, the bill that I proposed was not as good as it could have been, and I was happy to support the then government's proposition, and I did so in this chamber.

When the then minister, the member for Davenport, introduced that bill, he did not tell the parliament where his government was proposing to store the medium level waste that happened to be stored in this state. He did not tell us what his proposition was. He did not tell us where the waste was stored. He did not tell us what the condition of that waste was. He did not go through any of those issues. Yet, when we introduce a bill about low level waste, he sets a different standard, a higher bar. He is being incredibly hypocritical. He should apply the same standard to the legislation that we are introducing that he applied to himself.

We have gone further than he did, because we are mindful of the fact that the waste stored in South Australia needs to be supervised properly. So, as I said I would do when in opposition, I have instructed the EPA to do a proper and thorough audit of the waste, not just via the telephone, but actually to inspect it and see how it is stored. We are going through that process in a proper way. It is a bit rich for the honourable member to complain about the way we have managed the bill when, on looking at the way we managed it, he did not go through any of those processes whatsoever.

Let us look at how he has managed the opposition's position on the government's bill. It is very interesting to analyse the politics of what the member for Davenport is doing and, in a recent article, Terry Plane belled the cat in relation to this issue. This is clearly being used by the member for Davenport to promote his leadership ambitions. He is very keen—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: False and hollow laughter will not get over this point. He is very keen to get the support of Senator Minchin on this issue. Senator Minchin is a faction leader in the Liberal Party and I imagine that his support for a leadership push would be very important. Has he succeeded in getting Senator Minchin's support? I do not know. However, he certainly has not been very good at getting the support of this parliament. It was interesting in the other place last week that, despite a lot of backroom arm twisting and offers of advice and support and all the rest of it, when it came to the crunch, the member for Davenport got no support from anyone other than his own party in relation to the propositions he was putting. All the Independents and all the Democrats and minor party members supported the government's proposition. The member for Davenport did not even get all his own backbenchers to support him. The Hon. Julian Stefani abstained when the bill came to a vote. The member for Davenport lost out completely when it came to the vote. So, that was a great failure.

What was really interesting was who actually took carriage of this bill in the other house for the opposition. Was it one of the several frontbenchers in the other place? Was it the Hon. Rob Lucas? Was it the Hon. Mr Lawson? The answer is no, it was not any of the frontbenchers: it was handled by a backbencher who did it bravely from the backbench. It was interesting to me that the only person on the Liberal side of politics in the upper house—and probably the only person currently in the upper house who has any knowledge of constitutional law—the Hon. Rob Lawson, was not involved at all in the debate; in fact, he was not even in the chamber for the majority of the day.

Why was not the shadow attorney-general—the former attorney-general and someone who actually knows a little about constitutional law—brought in to put the opposition's case? I suggest that it is because the shadow cabinet is distancing itself from the position being put by the member for Davenport. He is going off at a tangent in relation to this matter. They do not think that his tactics are very clever. He has spent the last nine months promoting the fact that the Liberal opposition in South Australia supports having radioactive waste from all over Australia dumped into this state. You do not have to be very clever to work out that that is not a very popular position out in the community. But that is the position being taken by the member for Davenport, and it seems to me that he is taking it very much by himself.

In his contribution, the member for Davenport raised the issue of the High Court and whether or not we would pursue the issues to the High Court. The government is certainly committed to pursuing its position as far as it can. The advice provided to me is that an attempt to take it to the High Court is likely to have the matter referred to the Federal Court, and that is something we would have to contemplate when it arose, but it is likely that the matter would be referred to the Federal Court.

The honourable member also raises questions about the legal advice obtained by Independents in the other house. I have not seen any written legal advice from any lawyers. It is not my legal advice to pass on; I did not pay for it. I had a conversation with the lawyers, who suggested to me that some possible amendments—not to my bill; not to the propositions that I had put, because there was nothing wrong with what I had put—to the act that was passed by the former government could in fact strengthen our capacity to defend our position. I have not looked at those amendments in detail, and I am not sure what those amendments may or may not be. However, I said that I would be happy to work with the Independents, their lawyers and crown law to advance that case.

In any event, it will come back to the parliament within four months, and it will be up to all members to scrutinise any of those amendments. I reject entirely the proposition that the member for Davenport continues to put that the bill moved by the government is flawed. It is not flawed: it is attempting to do exactly what his legislation attempted to do in relation to medium and high level waste, that is, to extend it to low level waste. The proposition is exactly the same. If there are ways that we can strengthen our case in relation not only to low level waste but also to medium and high level waste, I think it is worth having a look at it, and I was happy to grant that concession to the non-aligned members of the upper house.

The member for Davenport raised a number of times—and he has done this frequently—the issue to do with the EPA audit. He is saying that he hopes that it is not delayed. Well, I hope that it is not delayed, too. However, the reality is—and I have said this many times, and I want to place it on the record now—that there has been no deadline of 30 June, as he continues to put around the place. The advice I have from the EPA is that it would hope to have a report back around the middle of the year, but it very much depends on the conditions and circumstances that apply out in the field. We are talking about officers who are going out to look at particular circumstances. It has never been done before, so they do not know how long it will take. The best advice I have is that it will be towards the middle of the year. There will be no attempt to delay this report unnecessarily. If there

are delays, it will be because it has taken longer to go through that process.

I have asked the EPA to give me advice in relation to how the waste in each of those sites ought to be stored. I would not expect—and I do not think anyone would expect—that the EPA will give advice to say, ‘We believe it should be stored at site A, site B or site C.’ I would imagine that it would give to me a statement as to strategy: ‘We believe there ought to be this strategy adopted or that strategy adopted.’ I am not saying what it will say to me, but this is my thinking on the matter. I do not want to be verballed by the member for Davenport. He will say it in here and, if I do not deny it, he will then say, ‘The minister refused to deny’, and then it will get a life of its own.

Therefore, I make it very clear to the house that the EPA is attempting to complete its audit by the middle of the year, and it will do it as appropriately as it can. However, that time line cannot be guaranteed. Nor can the absoluteness of the advice it gives in relation to a particular site, which is logical if one were to apply any commonsense to it.

In conclusion, I make it clear that this government is absolutely opposed to the commonwealth government bringing into this state radioactive waste from across this nation. That is our policy position; that is the position that we adopted prior to the election, and we continue to support that position. We will use all the legal and political means available to us to pursue that policy, including getting this legislation through this house. I believe that it was important to get it through prior to this date, because when the upper house was dealing with it in the last couple of weeks of sittings there was a strong view that Minister Kemp was going to make a final decision either today or tomorrow.

Of course, I believe that, subsequent to that, Mr Kemp and Mr McGauran have ruled out the original preferred site in the Woomera protected area because of objections from the science community, particularly the space industry and the defence forces. For that reason, I think that it will now take longer to go through this process. But we were not to know that when this matter was last discussed and when the day was set for last week to have this matter dealt with. I think it is interesting that Minister McGauran has backed down on his preferred choice when the space industry and the defence forces finally got their message through to him. It means that he is prepared to listen.

I understand that Western Mining objected to the site being put on a piece of property in which they have an interest and he said no to that site as well. So, it does mean that he is prepared to listen. I just wish that he would listen to the overwhelming majority of people in South Australia that they do not want the dump built in this state.

The Hon. I.F. EVANS: Can the minister confirm that, if this bill is passed in its current form, the 2 000 cubic metres currently stored at Woomera can remain at Woomera? In other words, this bill has no effect on the majority of Australia’s low level waste already stored at Woomera?

The Hon. J.D. HILL: There is an assumption in the statement that the majority of Australia’s low level waste is stored at Woomera. I reject that proposition completely. This is another one of the furrphies that the member for Davenport has been recycling. If you look at it on a volumetric basis, the reality is that it may well be the volume he talks about: in terms of radioactivity, it is about 1 per cent, as I understand it. Nonetheless, I think that, given that the waste is now on commonwealth land over which state laws do not apply, it

would be hard to see how the state could deal with that particular bundle of waste.

The Hon. I.F. EVANS: The opposition has read from a briefing note where the radiation section makes a recommendation in regard to having a national low level repository, and the recommendation of the previous government was that, from a radiation safety viewpoint, the establishment of a national low-level radioactive waste repository was highly recommended, given the number of sources and owners. The minister has advised that the EPA is doing the audit. Has the minister yet to receive a recommendation in relation to a low level repository?

The Hon. J.D. HILL: This is another example of where the member for Davenport has found another leak yet it is a leak upon himself, because this was a document provided to him when he was the minister.

The Hon. I.F. Evans: I admitted that.

The Hon. J.D. HILL: The answer is no.
Motion carried.

RIVER MURRAY BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 2198.)

Dr McFETRIDGE (Morphett): I rise to speak because this is a very important bill, not only for South Australia but for all of Australia. The River Murray Bill 2002 will influence not just our lifestyles but our whole future. This bill overrides some 20 other acts. It is a very broad bill in that the Minister for the River Murray will have a wide range of powers which have never been seen before in South Australia and which need to be used wisely. As I have said, they will be overriding some 20 other acts of parliament. Nobody in South Australia (or in Australia) would doubt in any way the need to look after the River Murray.

The whole of the Murray-Darling catchment is vital to the future of Australia’s way of life. The Murray-Darling Basin produces millions, possibly billions, of dollars worth of agricultural produce, and the numbers of people living in towns and communities throughout the basin would be in the millions. The history of the Murray-Darling Basin is, as is the river, long and winding. The River Murray and its tributaries have a unique natural history and, with it, a unique natural ecology. One fact I heard the other day was that one day’s flow in the Amazon River is equivalent to one year’s flow in the River Murray. It is a slow-flowing river.

I should say here that I wish it were a river, but at a recent ANCOLD conference, held at Glenelg in my seat of Morphett, the Australian National Committee on Large Dams was discussing the future of the River Murray and said that it is not a river now but a series of long lakes. I wish it were not: I wish it were a river. I wish we had the flows that we all dream of. The flow at the moment, I think, is close to zero. In fact, I heard that if the river could flow backwards, it would be doing so. It is in a disgusting state.

Coupled with the tremendous effects of the drought that has hit the whole of the basin, we are in a deplorable situation. Whether we should have had water restrictions in South Australia is something that we will debate another time but, certainly, our cousins up river were quite cross that we kept taking our supply out of the Murray when, in their opinion, we should have been leaving it in there to maintain the environmental flow.

The objects of this bill are commendable. The main object, clause 6(1), provides as follows:

- (a) to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the River Murray in recognition of its critical importance to the South Australian community and its unique value from environmental, economic and social perspectives;

We cannot argue with that objective: it is a lay-down misere. Only a dope would say that we can keep exploiting the river the way we have. Some of these statements that we see in part 2 of the bill, for instance, 'Objects of act and statutory objectives', are fairly warm motherhood statements, but we must look at them with sincerity in order to ensure that we do not allow the intent of this bill to be missed. Clause 7 'Objectives,' provides under subclause (1) that the following objectives will apply:

- (a) the river health objectives; and
- (b) the environmental flow objectives; and
- (c) the water quality objectives; and
- (d) the human dimension objectives.

We have heard about the financial bottom line, the single bottom line, and we hear nowadays about the triple bottom line, the financial, the social and the environmental bottom line. Just as there are four objectives here, I would start talking about the quadruple bottom line. I would be adding politics to that bottom line, because the bottom line is that, if we as politicians do not do something about the health of the river, I am sure we will be paying for it both at the ballot box and in our enjoyable lifestyles.

There are four river health objectives, but the key objective, I feel, is that the River Murray system is to be maintained, protected and restored in order to enhance its ecological processes. The unique ecology of the River Murray is something that we have to treasure, and I for one will be supporting any measure that will enhance or permit the processes and aims of this bill.

In terms of the environmental flow objectives, we do not have to look very far to see what happens if there is no flow down the river. As I said, at the moment, with the system of locks and barrages, there is almost no flow. In fact, in 1981 the river did actually flow backwards below lock 1. Maintaining the open mouth of the River Murray has been on the front page of the paper. We have seen various politicians wander down there and say how disgusting it is. And it is: there is no argument that it is a disgusting situation to which we have allowed the river to deteriorate.

We have been talking about it for many years, and now is the time to act to fix the situation. I just hope that this bill will be part of the solution. The problem we have with the Murray-Darling Basin is that it goes through a number of jurisdictions. The federal government would like to take it over, but I am afraid I am one of the people who do not want to give up the rights of our state. I think there can be levels of cooperation that will resolve the problem facing us. It is not going to be instant; it is not going to be cheap; and, certainly, there will be some social impacts as well as the financial and political impacts.

One of the aims of the environmental flow objectives is that the Murray Mouth should be kept open, and that is exactly what has been happening with the dredging that is occurring, but, unfortunately, unless we are able to get water flowing down the river, nothing will prevent that from silting up again. In relation to the water quality objectives (clause 7), water quality in the River Murray has deteriorated over the last 20, 30 years. I remember as a child swimming and fishing

in the river, and it was certainly a much nicer place than it is today. Until a few years ago, we owned property at Wellington and the River Murray was in a very sad state; even the willows were starting to suffer.

The levels of bacteria and nutrients in the river in the lower reaches and in the lakes is something that is of tremendous concern. We hear the government making noises about assisting the farmers on the Lower Murray swamps to rehabilitate their swamps so that the flood irrigation run-off is not put back into the river. I have seen what has happened. When you have water going onto pasture that has been heavily fertilised and cattle are grazing on it, certainly the water going into the river will degrade the river. In fact, the nickname for the licence to return water to the river was a 'licence to pollute', something about which we should be ashamed.

I visited a dairy at Lake Alexandrina. The water that the people were using to irrigate their pastures had so much nitrogen and phosphorous in it that they had to modify the types of fertiliser they were using on their pastures. The water that they were using to wash down the dairies had a higher total bacteria count than was allowable in the milk. Had the water been milk, it would have been rejected by the processors. That is a disgusting state and I am ashamed to admit that the river has reached that level. The objectives for a healthy River Murray are laudable, and certainly I know that members on this side will be doing their very best to be bipartisan and ensure that it is not just window-dressing, that they are a real benefit to the whole of the Murray-Darling Basin.

I do have a problem with the lakes though. Having lived at Wellington, I have seen the water that could be going into the lakes, and it is not because of the environmental flow. As I said previously, the river is a series of lakes and a proposition is being put forward to build another weir at Wellington. In fact, last year during estimates I asked Minister Hill about the \$200 000 that had been put aside to build the weir at Wellington. He acknowledged the fact that, yes, the money was there and that a feasibility study would be undertaken on building a weir at Wellington. Minister Hill pointed out that about 750 gegalitres of water evaporates from the lakes. That happens every year no matter what you do.

Building a weir at Wellington was seen as a way of reducing the flow into the lakes. Then, as the minister said, that water could then be sold off. Where that water is being sold off to he did not say at the time, but even if you sold an extra 300 or 400 gegalitres, I am concerned that that is \$300 million or \$400 million in respect of which the Treasurer may be wanting to make a grab. The problem I have though is that, if you are taking the water out of the river before it gets into the lake, you still have 750 gegalitres evaporating—unless you put some sort of cover over the lake, which we know is totally impossible.

Where will that water come from to replace that evaporated water? It will come in from the sea through the mouth, so you will be getting reverse flow, and the whole of the lakes system will become brackish to the point of becoming saline. Certainly the minister said, 'We can get around that by pumping water through pipelines to the irrigators around the lakes,' but this will change the delicate ecosystem around the lakes and the Coorong. The way we have fiddled around with the whole of the Murray-Darling Basin ecosystem is something about which we should be ashamed. We must not now consider fiddling around with the ecosystem of the Lower

Murray and the lakes. It would be a disaster to build a weir at Wellington.

In fact, during the Premier's forum on the River Murray held in this chamber recently, I asked the Chairman of the Murray-Darling Basin Commission whether he thought it was a good commonsense approach to assist the river by building a weir at Wellington. His straight answer was no. I hope that the minister takes notice of the Chairman of the Murray-Darling Basin Commission and people who know what they are talking about when they are discussing the ecology of the lower river and the lakes, because, as I said at the start of my speech, the whole of the Murray-Darling Basin is a very delicate ecosystem. It is intricately linked from the Snowy Mountains to the Coorong.

It is very important that this bill is allowed to do what everyone in Australia wants it to do; that is, restore the health of the river. I commend the bill.

Mr O'BRIEN (Napier): In the north-west corner of Victoria Square stands a statue of explorer extraordinaire, Captain Charles Sturt. It is with Captain Sturt's exploration of the Darling River in 1828 and his 1829 expedition down the Murrumbidgee and Murray Rivers, culminating in his party's arrival at the Murray River mouth in February 1830, that the chain of events this bill seeks to redress began.

Mr Brindal: Was it open or shut at the time?

Mr O'BRIEN: It was shut, I think. Not only was Captain Sturt's report of the Murray River journey and the good land he observed influential in the decision of the British government to establish the colony of South Australia: it also produced a drive of settlement throughout the Murray-Darling Basin during the 1840s. This drive comprised nascent pastoralists eager to profit from the booming fine wool prices of the 1830s, and for economists this marks a major step in the transition from a convict society to a capitalist, pastoral economy. With the opening up of the Murray-Darling Basin to pastoral activities came the requirement to move the wool clip from the shearing sheds to the wharves for shipment to the woollen mills of Britain.

Roads were non-existent throughout most of the basin, and the rivers, particularly the Murray, promised the opportunity of moving large tonnages in an economic manner. The Mississippi River was the model, and in 1853 William Randell of Gumeracha—my great-great grandfather, I am proud to note—launched the first of the paddle-steamers, the *Mary Ann*, named in honour of his wife and my great-great grandmother. The first attempt to travel upstream from Goolwa was defeated by low water levels but later that year the *Mary Ann* was able to travel as far as Moama, upstream from Swan Hill, and was able to deliver her first cargo.

By 1855, paddle-steamers had reached as far as Albury; by 1858, Gundagai; and by 1861, Walgett. From 1864 to 1914, the rivers of the Murray-Darling Basin comprised the nation's most important trade route with at least 300 paddle-steamers plying the rivers of the basin. Echuca was the second busiest port in Victoria after Melbourne, and the volume of trade passing through Goolwa was such that Australia's first railway was built from this port in 1854 to the ocean port of Port Elliott. A decade later, the railway was extended to Victor Harbor. Ironically, it was the spread of railways that ultimately signalled the death knell for the river trade, but not before the first of the succession of environmental injuries was inflicted on the Murray-Darling Basin river system.

Unlike the Mississippi, with its near constant year round flows, the flows in the rivers of the Murray-Darling Basin were seasonal and in years of poor rainfall could be non-existent. The possible answer to this problem was found in the lock system that had been employed successfully in the canal networks of Britain. A total of 27 navigation locks were planned for the rivers of the basin, but only 11 were built before it became apparent that railways were displacing river boats as the preferred means of transportation within the basin. However, the 11 that were built constituted obstacles to the free flow of the rivers that had not existed before and have played their part in the problems that we confront today.

The next of the environmental injuries to be inadvertently inflicted on the Murray-Darling Basin commenced in 1887 with the establishment of an irrigation colony at Renmark by the Chaffey brothers. From this development flowed a number of other government-initiated schemes, the largest being the Murrumbidgee Irrigation Scheme, which was constructed between 1906 and 1913. This involved the construction of the purpose-built Burrinjuck Dam, another impediment to the free flow of the river. After the First World War, soldier settlement irrigation schemes were established at locations such as Berri, Cadell and Cobdogla, and again after the Second World War.

Barrages were also built in Lake Alexandrina, Lake Albert and Goolwa to allow cultivation of land in the lower reaches of the Murray. Growth and irrigation continued during the 1960s throughout the basin, but also in northern New South Wales and southern Queensland for the first time. The Snowy River Scheme commenced in the early 1950s and was completed in the 1960s, rediverting water from the Snowy River and tributary to the Murray and Murrumbidgee rivers for irrigation purposes. The scheme's Hume Dam, with a capacity 1½ times that of Sydney Harbour and covering 20.2 square kilometres, is now one of four major storages, the others being Dartmouth, Menindee Lakes and Lake Victoria, as well as 16 weirs and five barrages that regulate the flow of the river.

In addition to the environmental abuse imposed upon the rivers of the basin as a result of this regulation of water flows and the irrigation of lands adjacent to the rivers, a new threat to the health of the basin is now emerging as a result of the widespread clearing of natural vegetation, particularly in the Mallee.

Before dealing with the environmental consequences of this human activity within the basin, a brief overview of the economic importance of the basin would be appropriate. The basin is home to 11 per cent of Australia's population. It accounts for 40 per cent of the gross value of Australia's agricultural production, which is valued in excess of \$10 billion per annum.

During periods of drought, the high profits earned in the irrigation areas are vitally important for the stability of the national economy. In the five years to 1996, in which there was a major drought throughout much of northern Australia, 80 per cent of national farm profit was generated from 2 per cent of landscape, and this was largely irrigation areas in the Murray-Darling Basin. Manufacturing industry within the basin is largely linked to agricultural production; it employs over 62 000 people and generates sales of goods produced of over \$10.75 billion annually, which is 6.4 per cent of total Australian output.

Tourism and recreation (largely water-based) generate over \$3.44 billion a year for the Australian economy. The Murray-Darling Basin Commission estimates the wider value

of the basin to the national economy as being much greater—around \$75 billion a year. This supports an estimated 1.5 million jobs, most of them in the cities. External to the basin, over one million people are heavily dependent on the River Murray for their water supply, not least the people of Adelaide and the Iron Triangle.

Will South Australians be able to continue to rely in the future on the Murray River for drinking water and will the basin as a whole be capable of sustaining a considerable portion of the nation's economy as it currently does? The answer does not look promising. The Murray-Darling Basin rivers are sick. The 1999 salinity audit commissioned by the Murray-Darling Basin Commission found that salinity in the River Murray at Morgan will increase by approximately 50 per cent over the next 50 years, with salinity exceeding the World Health Organisation's desirable level for drinking approximately 40 per cent of the time.

The water needs of approximately 95 per cent of the state's population are met, at least in part, by the River Murray. On average, 45 per cent of Adelaide's annual water needs are met by diversions from the river, and this can rise to 90 per cent during drought.

Three to five million hectares will become salinised during the next 100 years to the extent that there will be substantial impacts on water quality, agricultural productivity and built infrastructure. These costs are estimated at between \$600 million and \$1 000 million a year during the period.

Mr Brindal: That is not all the fault of the River Murray, you know.

Mr O'BRIEN: No, I know; that is right. The flood plain along the South Australian part of the River Murray is particularly affected, with an estimated 25 000 hectares of a total area of 100 000 hectares salinised. This is predicted to increase to about 40 000 hectares, mostly adjacent to high land irrigation areas. Vegetation and wildlife are significantly impaired along 40 per cent of the total river length of the basin, and 16 of the basin's 35 native fish species are threatened. The Lower Murray River now effectively experiences drought conditions one year in two whereas, under natural conditions, it was one year in 20.

In the internationally listed Narran Lakes, flooding frequencies have extended from one year in two to as many as one year in six in just the last five years, outside the life cycle of many water birds. There are a number of solutions, one of which is more efficient irrigation to prevent the rise of the underlying saline watertable to the surface. Another method, which has had remarkable success in South Australia, is the use of drains and evaporation basins to contain heavily salinated water. The CSIRO points out that our saline ground water contains valuable minerals and industrial chemicals, as well as common salt.

New industries set up to extract these chemicals and minerals would save Australia millions of dollars in industrial imports and pay the cost incurred in setting up these drainage and diversion systems. The salinity audit predicted that dry land areas, in particular the Mallee zone of the Murray-Darling Basin, will become the dominant source of future salt loads to the River Murray. Current farming systems are inadequate to intercept a large percentage of rainfall and reduce the rate of recharge to the ground water system. New farming systems will need to be developed that incorporate perennial deep-rooted vegetation.

The Mallee's sustainable farming project (a tri-state undertaking funded by the Grains Research and Development Corporation and the Natural Heritage Trust) is investigating

new farming systems for the Mallee, apparently with some success. All these approaches are necessary to return the rivers and lands of the Murray-Darling Basin to ecological health. However, they can play only a supporting role to what is the central remedy, that is, an increased flow of water through the river system. About 60 per cent of the water that would have naturally reached the sea is now diverted for agriculture, urban use and industry.

Diversions in the basin have reduced by 61 per cent the median annual flow to South Australia, and the median annual flow through the Murray Mouth is now only 27 per cent of its natural volume—one quarter of what it would have been prior to human intervention. Inadequate water flow and unseasonal flows caused by dams, weirs and locks have given rise to salinity, turbidity, algal blooms, loss of plant communities such as river red gums, declining numbers of native birds, animals and fish and the loss of natural signals that tell native birds, fish, plants and aquatic insects when to breed.

The 1995 decision by the Murray-Darling Basin Ministerial Council to place a cap on diversions at 1993-94 levels of development was absolutely necessary if the ecological health of the basin was to not slip behind or beyond the point of no return. The council now has the difficult task of deciding how much water will have to be taken from other activities, such as irrigation, and returned to the river system for environmental purposes. It has to determine how this additional water will be obtained.

The additional water sought for environmental purposes is described by the Murray-Darling Basin Commission as environmental flow and is defined as: 'any river flow pattern provided with the intention of maintaining or improving river health'. The commission believes that better use of water currently available and new water made available for the environment could be employed in the following ways: modifying floods in the river system, in particular small to medium floods; to increase the benefit to the environment by changing how often they occur, how big they are, how long they last for and when they occur; restoring low flows in parts of the river system where low flows used to occur naturally; and altering water levels above weirs so they resemble the natural seasonal changes that occurred prior to regulation.

To be effective, an environmental flow must be timed to occur in the right season to trigger breeding of plants and animals; occur often enough and last long enough to allow breeding to succeed; be large enough to link the river to its floodplain, wetlands, billabongs, anabranches, estuaries and the sea; and vary water levels to provide wetlands and river banks with wet and dry cycles.

As I have said, the major issue now confronting the basin council is the how and the where. How much water for environmental flow and from where? The council has chosen three annual volumes of 350 gegalitres, 750 gegalitres and 1 500 gegalitres, to serve as reference points to start community discussion. Only one of these volumes, the larger, is considered by environmental experts to be somewhere near adequate for the enormous task at hand, and even then the likelihood of this volume returning the river system to health is deemed to be only moderate.

The task of recovering the amount of water ultimately deemed necessary for returning the river system to health without destroying the financial viability of enterprises and communities within the basin will be complex. It will necessitate the development of a system, possibly based on the Torrens title system, whereby water and water rights can be traded throughout the basin. This will allow a rationalis-

ation within the overall irrigation industry to commercial activities that provide a higher financial return on lower water use.

By way of example, returns per megalitre of water used based on full profit in 1996-97 ranged from \$1 295 for vegetables, \$1 276 for fruit, \$600 for grapes, and down to a mere \$31 for rice. Considerable financial resources will also be required for physical infrastructure to ensure that the environmental flow does the job. All this will require a strong commitment by each of the member governments of the Murray-Darling Basin Ministerial Council, not least being the government of South Australia, given our geographic position in the basin. The strong commitment of the River Murray Catchment Water Management Board, as detailed in its management plan for the years 2002-07, to the objective of returning the basin to a state of health is one clear indication of South Australia's determination to play its part in this massive project.

The River Murray Catchment Water Management Board ranks as its first priority project the development of a flow management plan for the River Murray and South Australia. I quote from the management plan:

The project aims to improve the use of the available volume of river water by altering river management practices to vary weir pool levels and enhance flood peaks, while considering the other impacts of flow management. The flow management plan will link closely with wetland management plans so that the wetlands and the floodplains are provided with water in a coordinated and prioritised manner. The aim is to reinstate a more natural flow regime to meet the needs of the riverine ecosystems, while avoiding unacceptable social or economic impacts on existing water users and landholders. The plan will link with the Murray-Darling Basin Commission's River Murray Environmental Flow Management Strategy.

Reinforcing the activities of the Murray-Darling Basin Commission and the River Murray Catchment Water Management Board is the bill we are discussing today, the River Murray Bill. The bill establishes objectives for a healthy River Murray. These objectives are specifically defined as river health, environmental flow, water quality and human dimensions—all neatly dovetailed with the objectives of the basin commission.

The bill also gives the Minister for the River Murray certain new powers and obligations, including preparation of a River Murray act implementation strategy; an obligation to promote integration of the River Murray Act with other relevant legislation; reporting to the parliament on the health of the river and the implementation of the act; having an input into strategy planning documents, such as development plans, and having input into some statutory authorisations. The bill also establishes a new duty of care, a duty not to harm the river, which is enforceable by a River Murray protection order or reparation order.

Time expired.

Mr VENNING (Schubert): This is a most important issue, particularly as it relates to South Australia. The Murray has been long talked about by many politicians over many, many years. I am privileged to have the part of the River Murray in my electorate of Schubert from between Blanchetown and Mannum, indeed past Mannum, as the minister would know from a public meeting the other night.

The Hon. J.D. Hill interjecting:

Mr VENNING: On Tuesday 11 March I was there, as the minister would know, and I was silent. He would be very thankful for that, but I was biting my tongue. I will remind the house that the minister used to be my favourite on that

side of the house, but that is now open to some conjecture after that meeting. But I attended the meeting on 11 March—and I note the member for Hammond has entered the chamber, and I was hoping he would listen to this—of the Lower Murray irrigators and dairy farmers, which sought to resolve the current standoff between the primary producers and the Rann government.

In the project, which was originally set out by the Liberal government, \$30 million was to be granted to the dairy farmers and irrigators ranging from Mannum to Wellington. I note the comments of the member for Morphett in relation to Wellington, his having been a vet and attending there. These allowances were for the highly significant purpose of reducing the water use by 40 per cent, which would cut back the nutrient flow into the river, thereby increasing the efficiency and the sustainability on the farms. I doubt that there is a member of this house who would not support the further promotion of sustainable and ecologically aware farming practices, especially when they are so immediately beneficial to our River Murray.

It is certain that the Liberal Party was, and is, resolved to achieve this goal, and indeed the local farmers involved are equally determined, and I will say very supportive. The meeting was, as the minister knows, and you, Mr Speaker, would have heard, and your apology was tendered, was huge. It was the largest meeting in Murray Bridge for several decades. This was just 10 days ago, and over 360 people were present, including the mayor and the councillors, all singing the same tune. This area is represented by yourself, Sir, as member for Hammond, and by myself as the member for Schubert, and with approximately 120 families involved, approximately equally split between the two of us.

It has been so disappointing to see that, through poor management and privatisation, the new Labor government has redirected \$11.4 million, quite a portion of which I understand went to the consultants. Ultimately, the Liberal government's original pledge of \$30 million has dropped down to \$18.6 million, with minister Hill and team passing on a mammoth financial burden to around 200 farmers who are involved.

The Hon. J.D. Hill interjecting:

Mr VENNING: I hear the minister's interjection, and I would love to get to the bottom of all this, because there are the missing dollars. In the end, hopefully we can get around the table and this can be shaken out.

An honourable member interjecting:

Mr VENNING: You show me; you prove it to me. The member for MacKillop and I inspected the farms and met these people, and support is not there, as you, Mr Speaker, would know when the original deal was put up under the previous government. Through the inadequate management of this issue by Minister Hill, some dairy farmer irrigators are now expected to fork out over \$8 000 per hectare to cover the costs. Typically, Labor just does not care or—perhaps worse—it does not understand the needs of our primary producers. For someone with 52 hectares of flood irrigated swamp, the cost is an implausible and impractical \$450 000. As I said, the member for MacKillop and I inspected many of these irrigation blocks only 10 days ago. That sort of money is just not affordable, as you would know, Mr Speaker. I know that in the early days you were involved in meeting these people, but we have not seen you again lately. I am sure that they would wish to see you again soon.

Minister Hill has been arrogant and dismissive in dealing with this issue and in working with the people whose lives

and lifestyles are on the line. As I said, this minister was a favourite of mine. However, he is not coping at all well with this issue, and the problem is that I believe he is listening to too many of his bureaucrats, some of whom do not have a very good track record in relation to issues such as this, and some of whom are said to be quite anti-farmer/anti-primary producer. These people are holding their line in true *Yes, Minister* style.

The letter that was sent to the dairy farmers was rude and intimidating in language. I saw it, and it is no wonder that farmers are upset. Mr Hill's statement, 'We have got to show the eastern states our South Australian government is fixing the problem to plead our case', is interesting. He is right: we do have to illustrate to the eastern states that we are willing to fix up the problem in our own backyard. However, Labor is failing to demonstrate how to work cohesively with primary producers in a fashion that exhibits all interests. Also, if it is a state problem—and it is—we all have to share the cost of fixing it. This kind of governing demonstrates a clear and undeniable inability for basic conflict resolution, right down to Minister Hill's line—and I quote again:

The money on the table is the absolute limit of the money available.

He leaves no room for bargaining, no room for empathy and, ultimately, no room for farmers' interests. Surely the teachers' union would not be given a 'my way or the highway' slap in the face by any minister of this government. They feel very upset about this.

Despite all the calculated words of Minister Hill, I can accurately relay to the house what these people said and what they want. They do not want a blank cheque to rejuvenate their lands. They want to help themselves. But they cannot do so with an ineffective department hampering their efforts. It is regrettable that, while the Loxton irrigators enjoyed the benefits of support from Canberra, Lower Murray irrigators do not receive the same level of support. However, I would like to think that the South Australian government can take care of itself. If Labor wanted this process of rejuvenation to be completed harmoniously—and I know the minister would like that and has tried it—would it not be nice if Labor sought to aid irrigators in getting the job done and not bully them into conforming? It should not take the approach, 'Do it or you're out.' This process—

An honourable member interjecting:

Mr VENNING: You read your own report, minister. That is the message I got, and I am not personally affected. This process should be a positive one. But when you have Minister Hill's people on the ground saying that things are not working—

The SPEAKER: Order! The member for Schubert will refer to the minister by either the name of his electorate or more particularly the portfolio for which he is responsible. It is highly disorderly to refer to members by their family and personal names.

Mr VENNING: I apologise, sir. I was not aware of that. However, the point is taken. I think that I can refer to the minister as minister without tacking on his surname, and I will do that. The process should be a positive one. However, when you have the minister's people on the ground saying that things are not working because of the ALP, you know that things are bad. I went to several of these people, and they said, 'I'm unable to do anything about it, because this is the policy of the new government.' Under the Loxton model, Canberra funded 40 per cent, the state funded 40 per cent and

the irrigators provided the last 20 per cent. By all accounts, it was a fair system and it worked well, it was in place and everyone was happy.

In relation to the Lower Murray, to supplement the funding gap, some of the capital gained from the sale of the Ports Corp was to help finance this rejuvenation, and that is where the \$30 million came from. That was under the former Liberal government, whose sound economic management surely makes the Treasurer and his comrades envious. Why this money is no longer sufficient or available, or whatever excuse is being used to validate its use elsewhere, might fool the press, but any attempt to fool the irrigators of the Lower Murray is another story and they will not purchase into Labor's lies and half truths.

The process had begun under the previous government, and commitments were given and they knew what the expectation was, but now they see it as quite different. If these people see it differently, particularly in their hip pocket, no wonder they speak with one voice. No wonder they are concerned. It is imperative that governing bodies continue to work towards a healthy River Murray. Furthermore, it is also important to understand the situation. I will openly admit that I have always thought that the best result for the river was to rid the immediate area of all flood irrigation. I know that was your own personal belief, sir, which you still have, and I believe that is now wrong.

I was very interested to hear that the areas being flood irrigated are, for the most part, natural swamplands that need to be covered with water on a regular basis to promote that natural ecosystem. To the best of my knowledge, a complete disallowance of flood irrigation would transfer vast sections of the Lower Murray into wastelands. I know that you, sir, as the member for Hammond, do not agree with that opinion, and that you have a strong preference for sprinklers, but I am told that for many people in many councils sprinklers will not deliver enough water to flood the area so the natural processes can continue. These are natural swamplands of the Murray and they have always been like that. If we interfere and dry out these lands, the situation will not work. I had it wrong as well, because I thought that flood irrigation was a waste of water, but it has always been flooded, it is a natural wetland—a natural soak—and it must be wet regularly.

Those who depend greatly on river water for primary production purposes cannot be dealt with in such a heartless and apathetic manner. Even-handed negotiations and sound communications are essential in conflict resolution. These conflicts include the differences between our primary industries and other groups in the management of the Murray. However, the negotiating of the government has inhibited healthy bargaining and discussion, and that is the big problem. We seem to be at a stalemate.

As we often do when dealing with an environmental management issue, we must analyse the public and private benefits of any action. In this instance, and judging from the enthusiasm of the Lower Murray flood irrigators, the private benefits are obvious and the long-term advantages for the public even more so. It is discouraging to see that what should be a positive process for all involved, with all the various interests, is being soured by the Labor government, and in particular the Minister for the River Murray. Ultimately the continued mistreatment of our rural and regional communities on a range of significant issues will surely bring the downfall of this Labor government, because, as Labor will discover, there is no great divide between city and country and, when the priorities of those living outside the

metropolitan sphere are ignored, all South Australians feel the bite.

If we drive these farmers off their land, as you would be aware, sir, and as the minister is now aware, who will water and manage the land? Whether or not farmers are there, it has to be watered. If it is not watered, as I said earlier, the land will dry up and deteriorate. There is a term called ELGA water (which I do not understand but which the minister may wish to explain), which refers to water put aside to ensure that, if the farmer is not there and the place is not being irrigated commercially, water is put on the land to allow the regular wetting and drying of that property. Whether or not the farmer is there, the land must be watered, so we must bring that into the debate.

A debate is going on loud and strong—and this is one of the areas where the minister may be able to convince me otherwise—about what is a public benefit and what is a private benefit, because we are saying to these people, ‘You shall do this for the health of the Murray and for the sake of South Australia.’ Largely, but not entirely, it should be the responsibility of the state to pick up the cost. Certainly, a lot of the costs imposed on these people would render them unviable, particularly when we discuss the issue of laser planing. As the member for Hammond, you, sir, would know that many farmers have already laser planed their area. Others have chosen not to. Why would they? In the past, the water was free and the system worked well. Why would they want to incur the extra cost of laser planing? They did not do it, but now the government is going to force them to do it because the water is no longer free. They are entitled to their allocations. If we force them to laser plane, who should pick up the bill? Should it be the farmer? I say to some degree, yes, but, for the whole bill, no. I believe that some have chosen not to laser plane, but, if the government says they must, then we should supply some of the money.

Who pays for the works to rehabilitate the water that runs off? After all, the most important issue in this project is not the water’s running into the river but, rather, its retention on site. It will be rehabilitated and refreshed and then pumped to the highlands. I believe that at the moment most of this work is left with the farmer. It is a huge cost. Most infrastructure for getting water to the farm is already there. We are going to upgrade it, but it is already there. This is the most expensive work because none of it is there; the water just runs from the property into the drain and back into the river. The member for MacKillop and I learnt a lot when driving around these properties, talking to the owners and seeing how they manage it. I have been very impressed over the past three or four years with how clever some people are with irrigating. They flood the paddock and shut off the water. If they are smart and clever and have it correct, about a hat full of water runs off the other end into the drain. People now have that down to a fine art. That is happening more often, and we do not see it flooding off the other end as it did in the past. You see only a hat full of water going in.

We are making great progress in this area, but the minister wants to bring finality to this matter—as we all do. I believe that with a willing heart and a will to negotiate with a department that can understand the problem we may make progress. I also want to offer my efforts in relation to this matter. I know, sir, that you have strong opinions about whether these people ought to be using sprinklers rather than flooding. Perhaps, sir, you can tell the house what you think about the matter, because I cannot agree with you. I do not think sprinklers do the job, whereas flood irrigation is

essential. I was of the same opinion as you, sir, but now I am not. I offer to do all I can to help these people, because they are in a very difficult position. These farms have been in families for three or four generations. The problem they have is not their fault. It is a system of farming they have been using for many years. We are now asking them to make rapid change. It is a very expensive project. We must ensure that none of them is forced off their land.

In relation to the Murray River, I mention the Marne River catchment area. The minister would be aware of the Marne River. Recently, I inspected this catchment from top to bottom and I was absolutely shocked to see what has happened there. In the highland, from where most of the water comes in the high rainfall area, there is huge dam—I will not say on whose property it is constructed. That dam should never have been put there—I hope the minister is listening—because all the dams below are dry and, in fact, salting. When one goes down to the flat land out from Black Hill, which is an extremely fertile area, it is surprising to see what is happening. Farmers are growing turf for the city. It is a real little oasis. These bores were about 30 feet into the ground. Now they are down to the maximum 33 metres. That is the maximum allowable depth on the water table and they are drying up. Why? It is because the water is not flowing into the Marne River.

I urge the minister to proclaim the Marne catchment area. The catchment area board is asking you to do so, and this matter has been on your table for months. The former minister, Minister Brindal, was about to do that just before the election but time caught him out. I urge the minister to proclaim the Marne so that they can then share that water fairly and equitably, which is currently not the case. I am happy to take any member of parliament to show them this particular dam. In one word, it is greedy, and it is taking the resource. It should never have been put there. It is not an approved dam, and the only way to get rid of this dam is to have the area proclaimed and for the board to share that resource equally. I urge the minister to address the issue, and I will be speaking about it privately. The Marne river catchment area is asking me to address this issue; it is located in my electorate, and it is an issue that has been ongoing.

I again remind the house of the \$30 million funding that was promised to the Lower Murray irrigators. It was there on the table; the expectation was there that it would be spent to assist the Lower Murray irrigators. Now we find that it has not been successful, and I await the minister’s comments.

The Hon. G.M. GUNN (Stuart): I am pleased to address some comments on this rather large bill. When you look at the River Murray Bill 2002, you see that it sets out to amend a very large number of acts. My colleagues will be dealing in general with the bill. Let me say at the outset that I spent the weekend in the Riverland. I visited Barmera in the honourable member for Chaffey’s electorate. I was at Moorook, and I went across the bridge at Blanchetown and was in my own constituency at Morgan on Sunday—

An honourable member: At Cadell?

The Hon. G.M. GUNN: No, I was not in Cadell; I was in Morgan on Sunday. I am particularly interested in the welfare of the River Murray and the system. Generally, my electorate uses a considerable amount of water from the River Murray system. It is pumped all the way to Whyalla in the honourable member for Giles’ electorate, but it goes through a large part of my electorate and probably that of other honourable members. We are all reliant upon it, and the

proper management and welfare of the system is very important to all South Australians.

In setting out to manage an important resource, we have to be very careful that we do not allow enthusiasm to get out of control. We know that from time to time people within bureaucracies love to enhance their powers at the expense of the general community. Many may do that with the best of intentions but are unaware of the long-term consequences and how it will affect individual people. One of the great threats to parliamentary democracy is uncontrolled bureaucracy.

I am sure, Mr Speaker, in your long time in this house, that you would be aware of some of these unfortunate acts by people that have had such devastating effects on people who do not have the ability or economic resources to defend themselves. One of the unfortunate things in our community today is that when people are accosted by the government, when they are taken to court or challenged, it is beyond their financial resources to defend themselves. In my view, that is a very serious matter which this parliament and other parliaments in the Westminster system and democracies have to address. It is not a democracy unless you are equal when you are being charged before the law, particularly in these administrative areas. The minister may think that I am on my hobbyhorse, but I am right.

The Hon. J.D. Hill: I've heard you speak on this issue before.

The Hon. G.M. GUNN: Yes, and I will give you some examples. Your bureaucrats attempted to answer one of my questions today, and the point I made is that they are failing to give us truthful answers. That is one of the reasons. I will not let go of that issue. It is one of the things that has made me so angry in relation to this matter. The minister gives these people tremendous powers, you take away people's rights, and when someone puts a question on notice to seek an answer they will not answer it. If that is the game they want to play, we will have a fight in this house about these provisions. Some amendments will be moved upstairs, even if people like the Sir Humphrey Applebys in the government do not like it. The average citizen in this state is entitled to be treated by the government and its instrumentalities with caution, care and consideration.

Let us look at some of the provisions in this august and esteemed piece of legislation, as I understand that this is going to be one of the minister's great moments in his parliamentary career. After we have finished with this bill, I look forward to it being a far more responsible piece of legislation which will achieve the minister's objectives but which also give the average citizen the ability to properly defend themselves.

Look at some of the provisions in this august and interesting document that we have before us today. The member for Unley rang me last week and asked me whether I would take a particular look at some of these provisions, and I was only too pleased to accommodate his wishes in the matter because I agree with his concern about these powers. Clause 14 at page 17 in part 3 under 'authorised officers' provides that the minister may appoint officers and issue them with their Woolworths badges and things like that to make them feel important, and dress them in uniforms and give them four-wheel drive vehicles paid for by the long-suffering taxpayers. Then it provides that an authorised officer may enter any place.

Mrs Geraghty: It is denigrating to speak about people like that.

The Hon. G.M. GUNN: I am sticking up for the average South Australian citizen who, when they are confronted by these apparatchiks, do not have the ability to defend themselves. The Economic and Finance Committee, thanks to the commonsense of the Hon. Angus Redford, required that those plans be submitted and, fortunately, we have protected the public interest. The Minister for Local Government and myself on a couple of occasions greatly annoyed the previous minister, the Hon. Dorothy Kotz, by what we did. She got terribly cross with us but, notwithstanding that, the ability to say no to these bureaucrats and bring them into line is terribly important.

The bill goes on and mentions 'into any place'. What right or need does any bureaucrat have to go into anybody's home? What do they need to do it for under this legislation? But that is what the honourable member is going to vote for: 'into any place', and that includes a home. That is a nonsense that cannot be justified. The minister and those who are advising him ought to know better. Why is it necessary? It then includes 'inspect any place' and 'enter and inspect any vehicle.' It may be the school bus parked in the driveway. What do you want to inspect that for? What sort of escapade is the minister taking us on? These requirements are neither desirable nor necessary for the proper operation of this act. I expect a reasonable response from the minister. The bill goes on further on page 18 and includes the phrase 'requires a person to answer a question.' I thought that in our system of government—

Mr Venning: In a democracy.

The Hon. G.M. GUNN: —in a democracy, that you are judged to be innocent until proven guilty and you have the right to remain silent, unless you want to go down the Mugabe street where you do not have any rights. This bill allows for the giving of directions reasonably required in connection with the exercise and powers conferred by any of the above paragraphs. But what if it causes great economic loss? Who is going to accept the responsibility for compensating these people for economic loss or injury that they may face as a result of an unwise, unreasonable or improper direction? On page 19, under the heading 'Hindering', it provides:

(a) without reasonable excuse hinders or obstructs an authorised officer. . .

That is a subjective judgment. Surely, if one of these apparatchiks comes upon them and the person does not agree, he has every right to disagree and to object. That is fundamental. I thought it was a right in a free and decent society for people to be able to challenge, to be able to criticise and to be able to state a point of view without suddenly being charged with hindering or obstructing one of these people, many of whom have limited ability. Clause 15(1) also provides:

(e) uses abusive, threatening or insulting language.

That is subjective, too. Furthermore, there is no penalty if an officer misbehaves himself or acts unreasonably. Let me say to the minister that he will get one of these clauses whether he likes it or not. I cannot understand why he wants continually to hold up the time of this house and the other place, because it is going to be put in and he will get it whether he likes it or not. Clause 15 provides that you have a penalty of up to \$20 000 if, in the view of the inspector, you unreasonably hinder or obstruct him. But he is allowed to stop your motor car, go into your home—and let us go on. There is more.

Ms Breuer: You're always going on, Gunny!

The Hon. G.M. GUNN: I've been here a lot longer than you have and I'll stay a lot longer. One thing I've learned to do is stick up for people, ordinary citizens, to defend themselves. I thought the honourable member believed in democracy and the rights of the individual. If you want to be a rubber stamp, I suppose that is why you belong to the Labor Party. I am not going to be a rubber stamp. I am going to stick up for people. It is my right to stand in this parliament and to question people.

But look what it says here under clause 19, 'Compulsory acquisition of land'. This is very important. I thought that if you wanted to compulsorily acquire land in this state you had to do it in accordance with the Land Acquisition Act and you had to do it for public purposes. That is a High Court ruling. It says here that the minister may acquire land where the minister considers that the acquisition of land is reasonably necessary to further the objectives of this act. Does that weaken the rights of a land-holder under the Land Acquisition Act? Does it in any way take away the existing rights to get fair and adequate compensation to object?

I had some involvement some years ago in ensuring that people had a few more rights under this act. I do not believe any of this is necessary, because the minister of the day does have, under the Land Acquisition Act, the ability for public purposes to compulsorily acquire land. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill, with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Page 3, lines 10 to 20 (clause 3)—Leave out subclause (1) and insert:

(1) The objects of this Act are, consistently with the principle of the Executive Government's responsibility to Parliament—

- (a) to promote openness in government and the accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further the good government of the State; and
- (b) to facilitate more effective participation by members of the public in the processes involved in the making and administration of laws and policies.

(1a) The means by which it is intended to achieve these objects areas follows:

- (a) ensuring that information concerning the operations of government (including, in particular, information concerning the rules and practices followed by government in its dealings with members of the public) is readily available to Members of Parliament and members of the public; and
- (b) conferring on Members of Parliament and each member of the public a legally enforceable right to be given access to documents held by government, subject only to such restrictions as are consistent with the public interest and the preservation of personal privacy; and
- (c) enabling each member of the public to apply for the amendment of such government records concerning his or her personal affairs as are incomplete, incorrect, out-of-date or misleading.

No. 2. Page 3, line 27 (clause 3)—Leave out "object" and insert:

objects

No. 3. Page 3, line 34 (clause 3)—After "assists" insert:

Members of Parliament and

No. 4. Page 4, lines 19 to 21 (clause 4)—Leave out paragraph (g).

No. 5. Page 7 (clause 6)—After line 31 insert the following:

(15a) In publishing reasons for a determination, a relevant review authority may comment on any unreasonable, frivolous or vexatious conduct by the applicant or the agency.

No. 6. Page 8, lines 7 to 11 (clause 6)—Leave out subclause (1) and insert:

(1) An agency that is aggrieved by a determination made on a review under Division 1 may, by leave of the District Court, appeal against the determination to the District Court on a question of law.

(1a) A person (other than an agency)—

- (a) who is aggrieved by a determination of an agency following an internal review; or
- (b) who is aggrieved by a determination that is not subject to internal review; or
- (c) who is aggrieved by a determination made on a review under Division 1,

may appeal against the determination to the District Court.

No. 7. Page 8 (clause 6)—After line 15 insert the following:

(2a) Where an application for review is made under Division 1, an appeal cannot be commenced until that application is decided and the commencement of an appeal to the District Court bars any right to apply for a review under Division 1.

No. 8. Page 8, lines 16 and 17 (clause 6)—Leave out subclause (3) and insert:

(3) The following are parties to proceedings under this section:

- (a) the agency;
- (b) in the case of an appeal against a determination of an agency following an internal review or a determination made on a review under Division 1—the applicant for the review;
- (c) in the case of an appeal against a determination that has not been the subject of a review—the applicant for the determination.

No. 9. Page 8, lines 28 and 29 (clause 6)—Leave out subclause (6) and insert:

(6) In proceedings under this section—

- (a) in the case of proceedings commenced by an agency—the Court must order that the agency pay the other party's reasonable costs; or
- (b) in any other case—the Court must not make an order requiring a party to pay any costs of an agency unless the Court is satisfied that the party acted unreasonably, frivolously or vexatiously in the bringing or conduct of the proceedings.

No. 10. Page 9 (clause 6)—After line 11 insert the following:

Disciplinary actions

42. If, at the completion of any proceedings under this Division, the District Court is of the opinion that there is evidence that a person, being an officer of an agency, has been guilty of a breach of duty or of misconduct in the administration of this Act and that the evidence is, in all the circumstances, of sufficient force to justify it doing so, the Court may bring the evidence to the notice of—

- (a) if the person is the principal officer of a State Government agency—the responsible Minister; or
- (b) if the person is the principal officer of an agency other than a State Government agency—the agency; or
- (c) if the person is an officer of an agency but not the principal officer of the agency—the principal officer of that agency.

No. 11. Page 9, lines 14 and 15 (clause 8)—Leave out this clause and insert:

Amendment of s. 53—Fees and charges

8. Section 53 of the principal Act is amended—

- (a) by striking out paragraph (b) of subsection (2);
- (b) by inserting in subsection (2) "reasonable administrative" after "reflect the";
- (c) by inserting after subsection (2) the following subsections:
 - (2aa) A fee or charge can only be required by an agency under this Act in respect of the costs to the agency of finding, sorting, compiling and copying documents necessary for the proper exercise of a function under this

Act and undertaking any consultations required by this Act in relation to the exercise of that function;

(2ab) No fee or charge is payable under this Act by a Member of Parliament in respect of an application under Part 3 for access to documents.

No. 12. Page 10, lines 14 to 17 (clause 11)—Leave out paragraph (g).

No. 13. Page 10, lines 21 to 25 (clause 11)—Leave out paragraph (i).

No. 14. Page 11, lines 18 to 23 (clause 11)—Leave out paragraph (k).

No. 15. Page 11—After line 23 insert new clause as follows:
Amendment of Sched. 2

11A. Schedule 2 of the principal Act is amended by inserting after paragraph (D) the following paragraph:

(g) the Essential Services Commission in relation to—

- (i) information gained under Part 5 of the Independent Industry Regulator Act 1999 that would, if it were gained under Part 5 of the Essential Services Commission Act 2002, be capable of being classified by the Commission as being confidential under section 30(1) of that Act; and
- (ii) information gained under Part 5 of the Essential Services Commission Act 2002 that is classified by the Commission as being confidential under section 30(1) of that Act;

No. 16. Page 11, lines 33 to 40 (clause 12)—Leave out subclause (3).

ADJOURNMENT

At 6.01 p.m. the house adjourned until Tuesday 25 March at 2 p.m.